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# Proposed ELECTION LAW RECODIFICATION

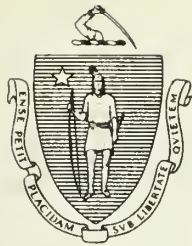
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PAUL GUZZI  
SECRETARY OF THE COMMONWEALTH

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PAUL GUZZI  
SECRETARY OF  
THE COMMONWEALTH

# *The Commonwealth of Massachusetts*

*Office of the Secretary*  
*State House • Boston 02133*

November 1977

FROM: PAUL GUZZI, Secretary of the Commonwealth

RE: Proposed Election Law Recodification

This is a proposed recodification of the Massachusetts Election Law. It makes no policy changes in existing law. An earlier draft, published last May, was widely distributed throughout the commonwealth to interested persons, and many of the resulting comments have been incorporated in this draft.

This proposal will be reviewed by a special legislative commission established for the purpose. It will be filed as a bill in December for action by the 1978 session of the General Court.

## OBJECTIVE

The Massachusetts statutes concerning elections were last codified as a whole in 1913. In the last sixty-four years, frequent revisions have led to considerable duplication, inaccurate or archaic references, contradictions, and awkward organization. Confusion on the part of election officials, candidates, and citizens often results.

This recodification represents an attempt to rewrite the Election Law to make it easier to understand and use. Features of the proposed new law include:

- a more logical structure, following the sequence of the election process where possible.
- grouping of similar provisions in one place.
- clear, simple, understandable language.
- captions at the beginning of each provision, for easy reference.
- textual cross-references to related provisions.
- cross-reference tables, indicating corresponding provisions of the recodification and existing law.

## NO POLICY CHANGES IN LAW

This recodification makes no policy changes in existing law. Its intent is to require no act to be performed differently than it should be now.

Thus, this recodification makes changes only where a present provision:

- is surplus or logically unnecessary to the new structure.
- has been rendered obsolete by other changes in the law.
- is not clear enough to be readily understood.
- is both archaic and never followed, or
- has been construed or held unconstitutional by a court.

Examples of this last category are the codification of the decisions in Boyd v. Board of Registrars of Voters, 1975 Mass. Adv. Sh. 2853, 334 N.E.2d 629(1975) in chapter 52, section 1 (d), McCarthy v. Secretary of the Commonwealth, 1977 Mass. Adv. Sh. 1, 359 N.E.2d 291 (1977) in chapter 53, section 3(g), and Evers v. Davoren, No. J-74-118-CI (Mass. single justice, October 18, 1974) in chapter 55, section 35.

## CHAPTER SUMMARY

A brief summary of the subject matter of each chapter of the proposed recodification follows. The table of contents also furnishes a useful indication of the coverage of each chapter.

### Chapter 50: General Provisions

Chapter 50 sets out the general structure for administering the Election Law. It includes definitions of terms, rules of interpretation, appointment and other procedures for election officials, information about public officers and their election, and the process of forming election districts. In short, it provides a framework and the cast of characters for what is to follow.

### Chapter 51: Political Party Committees

This chapter establishes and defines the membership procedures of ward, town, city, and state committees of political parties.

### Chapter 52: Voters

Chapter 52 prescribes eligibility and procedures for voter registration. It also includes provisions for the annual residents list and the voting list.

### Chapter 53: Nominations

How candidates for office place their names on the official ballot is the subject matter of Chapter 53. It includes provisions about preliminary and presidential primary elections and town caucuses.



#### Chapter 54: Questions to Voters

This new chapter informs citizens how to place the various kinds of questions on state and local election ballots. It also requires certain information about these questions to be made available to voters.

#### Chapter 55: Conduct of Elections

Chapter 55 describes the procedure before, on, and after election day for holding the election itself. For the first time, these provisions cover all elections, including primary elections.

#### Chapter 56: Campaign Finance

Regulation and disclosure of campaign contributions and expenditures are prescribed by this chapter which is administered by the director of campaign and political finance. Also included are provisions for limited public financing of statewide election campaigns.

#### Chapter 57: Enforcement of the Election Law

This final chapter consolidates the various criminal penalties for violating the Election Law. It also includes some substantive regulation of campaign practices. Finally, it establishes procedures for enforcing the Election Law in the courts through civil actions, election petitions, and election inquests.

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# THE COMMONWEALTH OF MASSACHUSETTS

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In the Year One Thousand Nine Hundred and Seventy-Eight.

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## AN ACT TO RECODIFY THE ELECTION LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. SHORT TITLE. This act may be cited as the "Election Law Recodification Act of 1978".

SECTION 2. ELECTION LAW. Part I of the General Laws is amended by striking out title VIII and inserting in its place the following title:

### TITLE VIII. ELECTION LAW.

#### CHAPTER 50. GENERAL PROVISIONS.

##### SUBCHAPTER A. INTERPRETATION OF THE ELECTION LAW.

###### Section 1. Short title.

This title (chapters 50 to 57) may be cited as the "Election Law."

###### Section 2. Definitions.

As used in the Election Law, unless a different meaning clearly appears either explicitly or from context:

(a) "Ballot labels" means printed strips of cardboard or paper for use on voting machines, and booklets for use with electronic voting systems, containing the names and addresses of candidates for each office and the questions to voters at the election except the questions which appear on separate ballots (chapter 55, section 11(d)).



(b) "Candidate" (except in chapters 56 and 57) means a person who seeks nomination or election to a public office, or election to a political party committee, at an election.

(c) "Caucus" means any meeting of voters held under the caucus law (chapter 53, subchapter C ).

(d) "Caucus officers" means a chairman, warden, secretary, clerk, or inspector, or, when on duty, an additional officer appointed or elected, or elected to fill a vacancy, and taking part in the conduct of caucuses.

(e) "Election" means the selection of a public officer or a political party committee member, or the nomination of a candidate for public office, by voters, or the taking of a vote on any question to voters, on an official ballot under public authority. But the term does not include caucuses. The following are types of elections:

(1) "Regular election" means a regularly scheduled election required to be held periodically by the Election Law (section 15) or the local charter. Any other election is a "special election".

(2) "State election" means an election for the selection of an officer, or the nomination of a candidate for an office, of federal, state, or county government, or for the selection of a political party committee member; the term includes state primary elections, including presidential primary elections. "City election" and "town election" mean an election for the selection of an officer, or the nomination of a candidate for an office, of city or town government, respectively, or at which a question to voters of a city or town is submitted. chapter 50, section 2

(3) "General election" means an election at which a public officer is selected or at which a vote is taken on any question to voters. "Primary election" means an election at which a candidate for public office is nominated by the enrolled members of a political party, or at which a political party committee member is selected; the term



includes presidential primary elections. "Preliminary election" means a city or town election, other than a primary election, at which a candidate for public office is nominated.

(4) "Presidential election" means the regular state general election in 1980 and every fourth year after.

(f) "Election-day officer" means a warden, clerk, inspector, or teller or one of their deputies when on duty.

(g) "Family member" means a spouse, father, mother, sister, brother, half-sister, half-brother, son, daughter, adopting parent or adopted child, step parent or step child, uncle, aunt, niece, or nephew.

(h) "Federally qualified person" means an unregistered person who, on the last day to register for an election (chapter 52, section 4(a)), is:

(1) Citizen residing abroad. Living outside the United States, if:

(i) his last residence in the United States prior to departure was in a city or town in the commonwealth, and

(ii) he would be eligible to register (chapter 52, section 1) but for his residence, and

(iii) he has a card of identity or valid passport issued by the secretary of state of the United States; or

(2) Federal service person. In the active service of the armed forces or in the merchant marine of the United States, or any unregistered family member accompanying such a person, if: chapter 50, section 2

(i) his home of record is in a city or town in the commonwealth, and

(ii) he is otherwise eligible to register (chapter 52, section 1); or

(3) Absent resident in presidential election. With respect to a presidential election only, absent from his city or town of residence, and eligible to register (chapter 52, section 1).

(i) "Local appointing authority" means an election commission but, in a city or town where there is no election commission, the local executive (subsection (1)).

(j) "Local charter" means the organic laws or home rule charter (sections 2, 3, and 4 of article 2, as amended by article 89, of the amendments to the constitution) which establish the form, structure, and organization, and prescribe the powers and duties of the principal officers, of the government in a city or town. Where appropriate, the term includes a general law relating to municipal government (chapters 39, 43A, and so forth), a city charter (chapter 43), an optional plan of city or town government (section 8 of article 2, as amended by article 89, of the amendments to the constitution), a special law which applies to a particular city or town, or a home rule charter.

(k) "Local election authority" means an election commission but, in a city or town where there is no election commission, the city or town clerk.

(l) "Local executive" means, unless the local charter expressly provides otherwise, the officer or officers having general power under the local charter to make appointments in a city or town. Where appropriate, the term includes a mayor, city or town manager, or board of selectmen. Where the local charter requires, the term contemplates confirmation by the board of aldermen or similar body.

(m) "Local legislative body" means, unless the local charter expressly provides otherwise, the body authorized by the local charter to adopt general legislation in a city or town. Where appropriate, the term includes, in cities, the city council or board of aldermen, with the approval of the mayor if the local charter requires it as to general legislation, and, in towns, the town council or town meeting.

(n) "Majority" means more than one half of those voting on a question to voters.

(o) "Official ballot" or "ballot" means a ballot prepared for an election by public authority and at public expense. Where voting machines or electronic voting systems are used, the term includes ballot labels.

(p) "Political party" or "party" means a political organization which received three percent or more of the entire vote cast in the commonwealth for governor at the last regular general election for that office, but when a candidate for governor receives more than one nomination for that office, the term shall apply only to an organization which made a nomination at the preceding September state primary election and which polled three percent or more of the entire vote for governor cast in the commonwealth in that primary election.

(q) "Political party committee" means a ward, town, city, or state committee of a political party (chapter 51).

(r) "Precinct" means the smallest election district in a city or town. In wards or towns not divided into more than one precinct, the term means the entire ward or town.

(s) "Presiding officer" means the election-day officer in charge of a polling place. The term includes the warden or any election-day officer acting in his absence.

(t) "Registrars" or "registrars of voters" means the board of registrars of voters of a city or town, including an election commission (section 11(a)(3)), or a majority of the board. "Registrar" means a member of the board, including an election commissioner.

(u) "Town" does not include a city.

(v) "Two leading political parties" means the political parties which elected the largest and next largest numbers of members of the general court at the last regular state general election.

(w) "Voter" means a registered voter.

(x) "Written acceptance" means acceptance signed personally or by attorney duly authorized in writing.

### Section 3. Construction.

The Election Law shall be construed so as to promote the following policies:

(a) To extend and facilitate participation in the electoral process by all eligible citizens;

(b) To protect the right to cast a meaningful and effective vote in an efficiently conducted election which is free from fraud and mistake; and

(c) To secure uniform application of the law throughout the commonwealth and to all persons and circumstances.

### Section 4. Application of special laws.

Unless the Election Law provides otherwise, special laws which apply to particular cities or towns shall prevail where clearly in conflict with the Election Law, but any ambiguity shall be resolved in favor of the Election Law, and any exception to the uniform application of the Election Law shall be narrowly construed (section 3 (c)).

### Section 5. Public records.

Unless a different intention clearly appears and unless exempted, all documentary materials and data made or received by any administrative authority (section 9) under the Election Law are "public records" (chapter 4, section 7(26); chapter 66, section 10). These materials and data shall be preserved as required by the public records law (chapter 66).



Section 6. Regulations by local election authority.

The local election authority may adopt regulations consistent with law for the use of ballot boxes and seals, counting and other apparatus, the casting of ballots, and the counting and return of votes.

Section 7. Computation of time.

Whenever the Election Law or any other general or special law regulating elections refers to a period of time, Sundays and holidays shall generally be included, unless the term "weekday" is used. But, unless a different intention clearly appears, when the last day for performing any act under the Election Law is a Sunday or holiday, including a Saturday on which the relevant office is closed, the following day shall be considered the last day instead. Whenever the day designated for an election is a holiday, the election shall be held on the following day.

Section 8. Severability.

If any provision of the Election Law is held invalid by a court of competent jurisdiction, its invalidity shall not affect the validity of any other provision which can be given effect in the absence of the invalid provision.

SUBCHAPTER B. ADMINISTRATIVE AUTHORITIES.

Section 9. Administrative authorities.

The following officers and agencies are "administrative authorities" responsible for administering and enforcing the Election Law, according to its terms:

(a) Election-day officers administer the casting of ballots and related activities at polling places (chapter 55).

(b) The local election authority has general responsibility for the conduct of elections in the city or town.

(c) The board of registrars of voters and any assistant registrars administer the registration of voters and related activities in the city or town (chapter 52).

(d) The local appointing authority appoints the election-day officers in the city or town (section 10).

(e) The ballot law commissions hear and decide certain objections to nominations and initiative and referendum petitions (chapter 53, section 4; chapter 54, sections 3(c) and 4(c)).

(f) The local election districts review commission reviews new and unrevised wards and precincts for compliance with law (section 19).

(g) The director of campaign and political finance administers the campaign finance law (chapter 56).

(h) The state secretary is primarily responsible at the state level for administering the Election Law and for encouraging its uniform application.

Section 10. Election-day officers.

(a) Appointment. Between July 15 and August 15, inclusive, of every year, the local appointing authority shall appoint the following election-day officers for every precinct:

- (1) one warden,
- (2) one deputy warden,
- (3) one clerk,
- (4) one deputy clerk,
- (5) two (in cities at general elections, four) inspectors, and
- (6) two (in cities at general elections, four) deputy inspectors.

tors.

In addition, two inspectors, two deputy inspectors, and as many tellers as are necessary to count the ballots cast, may be appointed. In



cities, all appointments shall be filed in the office of the local election authority within forty-eight hours of being made and, where necessary under a local charter, shall be acted on by the local legislative body within three days of filing. In towns, if the local appointing authority fails to make appointments on or before August 15, the registrars shall immediately make them instead.

(b) Qualifications; term; removal. Election-day officers shall be voters in the city or town. Except for tellers, they shall hold office for one year, beginning September 1, and until their successors are qualified, or until removal. Tellers shall serve only at elections for which they were appointed. Before beginning to perform their official duties, election-day officers shall be sworn before the local election authority, the presiding officer or clerk, or any officer authorized by law to administer oaths, and a record of this shall be made. Election-day officers shall receive whatever compensation the local legislative body or selectmen decide, but no deputy officer shall receive compensation except for attendance at the opening of the polls or for service in place of an absent principal officer (subsection (f)). An election-day officer may be removed by the local appointing authority after a hearing, on written charges of incompetence or official misconduct filed by the local election authority or by six voters in the ward (in towns, precinct) where the officer is appointed to serve.

(c) Ineligibility of candidates and others. No person shall be an election-day officer in a precinct where he is a candidate, but this provision does not render ineligible as an election-day officer any candidate for ward or town committee. No town moderator or member of a board of selectmen shall be an election-day officer. Any person who violates this subsection shall be removed before election day by the local appointing authority.

(d) Equal party representation. An equal number of members of the two leading political parties shall be appointed as election-day officers for each precinct, but two officers not enrolled in either such

party may be appointed without disturbing this equal party representation. The warden and clerk shall be from different parties. Not more than half of the inspectors shall be from the same party. A principal officer and the corresponding deputy shall be from the same party.

(e) Party appointment lists. On or before June 1 of every year, the chairman of the city or town committee of each of the two leading political parties may file with the registrars lists of members of that party who desire appointment as election-day officers. The lists shall contain eight or fewer names for each office to be filled. Supplemental lists may be filed at any time before appointments are made in order to fill vacancies in these lists. After certifying party enrollment, the registrars shall transmit the lists to the local appointing authority, who shall appoint, first from the original lists, and then from any supplemental list, persons who in the opinion of the local appointing authority are qualified to serve. For the purpose of determining qualification to serve, the local appointing authority may examine persons whose names appear on these lists, but shall first give five days notice to these persons, and the above chairmen may appear and be heard either in person or by counsel during the examination. If no lists have been filed before June 15, the local appointing authority shall transmit written notice to the appropriate chairman, and if lists have not yet been filed within fifteen days after this notice, or if all names for any office have been exhausted, the local appointing authority shall appoint any otherwise eligible (subsections (b), (c), and (d)) and qualified persons.

(f) Deputy election-day officers; vacancies. Deputy election-day officers shall serve only if the corresponding principal officer is absent at the opening of the polls or afterwards on election day. If both the principal and deputy warden or clerk are absent, the senior inspector of the corresponding party shall serve. Any vacancy in a position as election-day officer, including the case where an officer declines the appointment by giving notice to the local election authority within ten

days of the appointment, shall be filled, in such a way as to preserve equal party representation (subsection (d)), by the local appointing authority; but such an appointment to fill a vacancy shall not require confirmation by the local legislative body, notwithstanding any contrary law or local charter. But, where the city or town accepts this sentence, if an election-day officer is absent at the opening of the polls, the local election authority may appoint any eligible person from the same political party.

(g) Special provisions.

(1) Primary elections. In wards or towns where voting is by precincts at general elections but by groups of precincts at primary elections, the local election authority shall designate which election-day officers shall serve at primary elections.

(2) Multiple precincts in same building. In towns of five or fewer precincts, if the polling places for all the precincts are located in the same building, the local appointing authority may appoint only a single warden and may determine the number of inspectors, without disturbing equal party representation (subsection (d)). But one clerk shall be appointed for each precinct.

(3) Voting machines. At any polling place where voting machines are used, the local election authority may decide that fewer election day officers than otherwise required (subsection (a)) shall serve.

(4) No deputies at local option. In cities which accept this paragraph, no deputy election-day officers shall be appointed.

Section 11. Registrars of voters.

(a) Types of boards; appointment. By special law, local charter, or acceptance by the local legislative body under this subsection, there shall be in every city and town one of the following types of board of registrars of voters ("board"). Where no other provision is made, the board shall be a regular board (paragraph (1)).



(1) Regular board of registrars of voters. A "regular board of registrars of voters" shall consist of the city or town clerk and three other persons appointed by the local executive. When the board is first appointed, these persons shall be appointed in February or March for respective terms of one, two, and three years, beginning April 1. In February or March of every year after the initial appointments, one registrar shall be appointed for a term of three years, beginning April 1.

(2) Independent board of registrars of voters. An "independent board of registrars of voters", which may exist only in a city, shall consist of four registrars appointed by the local executive. When the board is first appointed, two registrars shall be appointed in February or March for respective terms of three and four years, beginning April 1. The city clerk shall cease to be a member of the board on April 1, but the two remaining members of the pre-existing regular board (paragraph (1)) whose terms have not yet expired shall continue to hold office for their respective terms of one and two years. In February or March of every year after the initial appointments, one registrar shall be appointed for a term of four years, beginning April 1. The board shall organize annually in April by electing one registrar as clerk.

(3) Election commission. An "election commission" shall consist of four commissioners appointed by the local executive. The members of the board in office when the election commission is established, except a city or town clerk, shall become members of the election commission and shall serve until their respective terms expire and their successors are qualified. If the city or town clerk is such a pre-existing member, the local executive shall appoint a commissioner for a term of four years beginning the next April 1, and the clerk shall cease to be a member when that commissioner is qualified. As the respective terms of the commissioners expire, or if a vacancy occurs, the local executive shall appoint successors for a term of four years beginning April 1, but an appointment to fill a vacancy shall be for the unexpired term. The board shall organize in April of every year by

choosing a chairman and a secretary, but if the commissioners are unable to agree, the local executive shall designate these officers. An election commission is a board of registrars of voters, a local appointing authority (section 2(i)), and a local election authority (section 2(k)).

(b) Equal party representation. Registrars shall be appointed so that at all times two registrars are enrolled members of one of the two leading political parties and the other two are enrolled members of the other such party. In the case of a regular board, after written complaint to the local executive and after notice and hearing, if the local executive finds that the city or town clerk and two other registrars are from the same political party, the local executive shall remove from office the one of those two registrars who has the shorter term remaining. In any city or town, after the same proceedings, if the local executive finds that a registrar has ceased to be an enrolled member of the political party which that registrar was appointed to represent, the local executive shall remove that registrar from office. Otherwise, each registrar shall hold office until his term expires and a successor is qualified.

(c) Party appointment lists. In every town where there is a regular board or (if the local legislative body accepts this subsection) an election commission, every appointment of a registrar shall be made from a list submitted to the local executive by the town committee of the political party which the registrar is to represent. The list shall contain the names of three enrolled members of that party who reside in the town. The names shall be selected by a majority of the town committee members present and voting at a duly called meeting at which a quorum is present. If the chairman of the appropriate town committee has not submitted the list within forty-five days of notice by certified mail from the local executive, the local executive shall appoint any otherwise eligible person (subsections (b) and (f)).

(d) Vacancies in regular and independent boards. If there is a vacancy in a regular or independent board caused by death, resignation, retirement, inability to perform the duties of office, or absence from the city or town at the time of a meeting, the local executive may, after written request by a majority of the remaining registrars, appoint a temporary registrar. The temporary registrar shall be from the same political party as the registrar replaced, and shall serve until the disability terminates, or until the term of that registrar expires and a successor is qualified. The temporary registrar shall have the same powers and duties, and be subject to the same penalties, as a registrar.

(e) Assistant registrars. The registrars may appoint and remove assistant registrars at any time. The assistant registrars shall equally represent the two leading political parties, and they shall not be subject to the civil service law (chapter 31). The registrars shall adopt regulations governing the assistant registrars, whose actions shall be subject to reversal by the registrars.

(f) Qualifications; ineligibility. A registrar or assistant registrar shall be a voter in the city or town. No person shall be appointed a registrar or assistant registrar who holds an office:

(1) in the city or town, either by election (not including political party committee members) or by direct appointment by the local executive, or

(2) by election or appointment under the government of the United States or of the commonwealth, except as a justice of the peace, notary public, or officer of the state militia.

The acceptance by a registrar or assistant registrar of any such office shall vacate his office as registrar or assistant registrar. This subsection shall not prevent a registrar or assistant registrar from being a candidate for election to, or serving as a member of, a home rule charter commission or a representative town meeting.



(g) Administrative provisions. Before beginning the performance of their duties, registrars and assistant registrars shall take an oath to perform them faithfully. They shall receive whatever compensation the local legislative body or selectmen decide, but their compensation shall not depend on the number of persons who are listed or who register (except for the special salary earned by a city or town clerk who is also a registrar (chapter 41, section 19G)), and a reduction of compensation shall apply only to registrars or assistant registrars appointed after its adoption. The city or town shall provide them appropriate office space, necessary assistance, and required transportation. The city or town clerk as to regular boards, the clerk as to independent boards, or the secretary as to election commissions shall keep a full and accurate record of the board's proceedings and shall perform whatever other functions the board decides.

Section 12. Ballot law commissions.

(a) State ballot law commission.

(1) Establishment; appointment. There shall be in the department of the state secretary (chapter 9, section 29) a state ballot law commission ("commission"). The commission shall consist of three persons, one of whom shall be appointed by the governor in June or July of every year for a term of three years beginning August 1. The governor may remove any member of the commission. There shall always be on the commission an enrolled member of each of the two leading political parties, who shall not have changed that enrollment during the preceding two years.

(2) Ineligibility. No member of the commission shall hold any public office, except justice of the peace or notary public, or be a candidate for public office or a member or employee of any political committee. No member shall have any interest, direct or indirect, in any voting machine or ballot box. Violation of this subsection shall immediately vacate the office of a member of the commission.

(3) Compensation; expenses. Each member of the commission shall be paid whatever compensation the governor determines, not

exceeding \$1,250 annually. The commission shall be paid for expenses whatever amount the governor determines, not exceeding \$1,000 annually.

(4) Judicial review. Petitions for judicial review of decisions of the state ballot law commission under the administrative procedure act (chapter 30A, section 14) shall be filed in the court within five days after receipt of the notice of the final decision.

(b) Local ballot law commissions. There shall be in every city and town a local ballot law commission. In cities, the local ballot law commission shall consist of the registrars of voters and the city solicitor; in towns, the registrars of voters.

(c) Powers and duties; administrative procedure. Each ballot law commission (subsections (a) and (b)) may summon witnesses, administer oaths, and require the production of books and papers at hearings before it on any matter in its jurisdiction. Witnesses shall be summoned, be paid the same fees, and be subject to the same penalties as are witnesses in civil cases before the courts. Any commission member may sign a summons or administer an oath.

### Section 13. Local election districts review commission.

(a) Establishment; composition. There shall be in the department of the state secretary, but not under its supervision or control, a local election districts review commission ("commission"). The commission shall consist of the attorney general or his designee, the state secretary or his designee, and a person appointed by the governor. A member designated by the attorney general, the state secretary, or the governor may be removed at any time by the appointing officer.

(b) Compensation; expenses. Each member of the commission shall receive compensation of twenty-five dollars for each day or part of a day of service as a member, but the compensation of any member shall not exceed \$2,500 annually, and compensation shall not be paid to

any member who holds another fulltime paid office or position in the service of the commonwealth. Members shall receive their necessary expenses incurred in the discharge of their duties, subject to appropriation.

(c) Powers and duties. The commission shall be furnished with whatever books or records it may require from any department or agency of the commonwealth. The commission may travel within the commonwealth. It shall be provided with suitable offices in the state house, or elsewhere in the city of Boston.

#### SUBCHAPTER C. OFFICERS TO BE ELECTED

##### Section 14. Offices; terms of office.

The officers elected at regular state general elections and their terms of office are as follows:

(a) Two year term: At every regular state general election the following officers shall be elected: one representative in congress by the voters in each congressional district, one state senator by the voters in each state senatorial district, one state representative by the voters in each state representative district, and one governor's councillor by the voters in each governor's councillor district.

(b) Four year term: At the regular state general election in 1982 and every fourth year after, the voters of the commonwealth shall elect the following officers: one governor, one lieutenant governor, one state secretary, one state treasurer, one attorney general, and one state auditor. At the same election, the voters in each of the districts into which the commonwealth is divided for the administration of the criminal law shall elect one district attorney, and the voters in each of the counties, except Suffolk and Nantucket, shall elect one county commissioner. At the regular state general election in 1980 and every fourth year after, the voters in each of the counties, except Suffolk and Nantucket, shall elect two county commissioners.

(c) Six year term: At the regular state general election in 1980 and every sixth year after, the voters in each county shall elect one sheriff. At the regular state general election in 1982 and every sixth year after, the following officers shall be elected: one United States senator by the voters of the commonwealth, one register of deeds by the voters in each district for the registry of deeds and of each county not divided into these districts, and one clerk of courts by the voters in each county, except in Suffolk county where they shall elect one clerk of the supreme judicial court, one clerk of the superior court for civil business, and one clerk of the superior court for criminal business. At the regular state general election in 1984 and every sixth year after, the voters of the commonwealth shall elect one United States senator and the voters in each county shall elect one register of probate and insolvency and, except in Suffolk and Nantucket counties, one county treasurer.

At every presidential election, the voters of the commonwealth shall elect the number of electors of president and vice-president of the United States to which the commonwealth is entitled ("presidential electors").

Section 15. Dates of elections.

(a) September state primary election. A primary election ("September state primary election") to nominate candidates (except for presidential elector) for the regular state general election shall be held on the seventh Tuesday before that election.

(b) Regular state general election. The regular state general election shall be held on the first Tuesday after the first Monday in November of every even numbered year.

(c) Special state primary election. A special state primary election shall be held on the fourth Tuesday before a special state general election to nominate candidates for that election, but a special state primary election for representative in congress shall be held on the fifth Tuesday before the special state general election for that office.



(d) Presidential primary election. The presidential primary election shall be held on the first Tuesday after the first Monday in March in every presidential election year.

(e) City and town primary and preliminary elections.

(1) Date. Where this subsection (paragraph (2)) or the local charter provides for a regular city or town primary or preliminary election, it shall be held not later than the twenty-eighth day before the regular city or town general election. Unless the local charter provides otherwise, the local legislative body or selectmen may designate an earlier day for holding this primary or preliminary election, and this designation shall occur not later than the sixtieth day before the day designated.

(2) Decision to hold primary elections. On petition of at least five per cent of the voters of a city or town, which shall be filed, signed, and certified like a nomination petition (chapter 53, section 3), the local election authority shall place on the next regular city or town general election ballot:

(i) where city or town primary elections are not held, the question, "Shall city (town) primary elections be held in (insert the name of the city or town)?"

(ii) where city or town primary elections are held, the question, "Shall city (town) primary elections continue to be held in (insert the name of the city or town)?"

The result of the vote shall determine whether city or town primary elections are or are not held after that time. The local election authority shall notify the state secretary of any decision to begin or cease holding primary elections under this paragraph.

(f) Regular city and town general elections. The regular city or town general election shall be held on the date prescribed by the local charter, but all elections in cities which by local charter are to be held on a Monday shall be held on the following Tuesday.

(g) Town and presidential primary elections on same day. Notwithstanding any contrary law, any town may hold its regular election on the first Tuesday after the first Monday in March in any presidential election year, but that election shall be by a different ballot from the ballot used at presidential primary elections.

Section 16. Qualifications for offices.

Age, residency, and certain other eligibility requirements for holding federal, state, and county offices in the commonwealth are as follows:

(a) United States senator. To hold office as a United States senator, a person must be thirty years of age and must have been a United States citizen for nine years.

(b) Representative in congress. To hold office as a representative in congress, a person must be twenty-five years old and must have been a United States citizen for seven years.

(c) Governor; lieutenant governor. To hold the office of governor or lieutenant governor, a person must have been a resident of the commonwealth for at least seven years immediately preceding his election.

(d) State secretary; state treasurer; attorney general; state auditor; governor's councillor. To hold the office of state secretary, state treasurer, attorney general, state auditor, or governor's councillor, a person must have been a resident of the commonwealth for at least five years immediately preceding his election; in addition, the attorney general must be a member of the bar of the commonwealth.

(e) State senator. To hold the office of state senator, a person must have been a resident of the commonwealth for at least five years immediately preceding his election.

(f) State representative. To hold the office of state representative, a person must have been a resident of the district from which he is elected for at least one year immediately preceding his election.

(g) District attorney. To hold the office of district attorney, a person must be a member of the bar of the commonwealth.

(h) County commissioner. Not more than one county commissioner may be elected from the same city or town. If two persons residing in the same city or town appear to have been elected as county commissioners, only the person receiving the larger number of votes shall be declared elected; but if they receive an equal number of votes, no person shall be declared elected, and there shall be a failure of election (section 17 (j)). If a person residing in a city or town where a county commissioner who is to remain in office also resides appears to have been elected, he shall not be declared elected. If a person is not declared elected under this subsection, the person receiving the next highest number of votes for the office, who resides in another city or town, shall be declared elected.

(i) General requirements. To be a candidate for and to hold all offices under this section, and the offices of county treasurer, register of deeds, register of probate and insolvency, sheriff, clerk of courts, and presidential elector, a person must be a voter and, except for the offices of representative in congress and governor's councillor, must be a voter in the district from which he is elected.

Section 17. Failure to elect; vacancies.

(a) United States senator. Whenever a vacancy in the office of United States senator or a failure to elect occurs, the vacancy shall be filled for the unexpired term at the following regular state general election if the vacancy occurs not less than seventy days before the September state primary election; otherwise the vacancy shall be filled at the next regular state general election. Until that election, the

governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person elected to fill the vacancy.

(b) Representative in congress. Whenever a vacancy in the office of representative in congress or a failure to elect occurs, the governor shall have precepts issued to the local election authorities in every city and town in the district, directing them to call an election on the day he designates for the election of the representative. If, at the time a representative is elected at the regular state general election, a vacancy in the office exists, the representative elected shall also be considered to have been elected to serve out the vacancy.

(c) Governor; lieutenant governor. Whenever a failure to elect to the office of governor or lieutenant governor occurs, the house of representatives shall, by ballot, elect two of the four persons, if there are that many, who had the highest numbers of votes for that office. The senate shall then, by ballot, elect the governor or lieutenant governor from the two choices submitted by the house of representatives. Whenever a vacancy in the office of governor occurs because of death, absence from the commonwealth, or otherwise, the lieutenant governor shall, during the vacancy, become acting governor, perform all the governor's duties, and have all the governor's powers. A vacancy in the office of lieutenant governor alone shall not be filled. Whenever vacancies in the offices of both governor and lieutenant governor occur because of death, absence from the commonwealth, or otherwise, the state secretary, attorney general, and state treasurer, in that order of succession, shall have full power to act as governor or lieutenant governor during the vacancy.

(d) Governor's councillor. Whenever a failure to elect to, or a vacancy in, the office of governor's councillor occurs, the senate and house of representatives, if in session when the vacancy occurs, shall, by concurrent vote, elect some eligible person from the district where



the vacancy occurs to fill that office. If the vacancy occurs when the general court is not in session, the governor, with the advice and consent of the governor's council, may fill the vacancy by the appointment of some eligible person.

(e) State secretary; state treasurer; state auditor; attorney general. Whenever a failure to elect to the office of state secretary, state treasurer, state auditor, or attorney general occurs, any eligible person (section 16) shall be chosen by the general court in joint convention to fill the office on or before the third Wednesday in January following the election. Whenever a vacancy in any of these offices occurs when the general court is in session, the vacancy shall be filled in the same way as in the case of a failure to elect. Whenever a vacancy occurs when the general court is not in session, the governor shall, with the advice and consent of the council, appoint a person to fill the vacancy.

(f) State senator. Whenever a failure to elect to, or a vacancy in, the office of state senator occurs, the vacancy shall be filled by election by the voters of the unrepresented district, on the order of a majority of the senators elected.

(g) State representative. Whenever a failure to elect to, or a vacancy in, the office of state representative occurs, the speaker of the house of representatives shall issue precepts to the local election authority in every city and town in the district, setting whatever date the house of representatives orders for an election to fill the vacancy. But if a vacancy occurs during a recess between the first and second annual sessions of the same general court, the speaker may set the date for an election to fill the vacancy. All such elections shall be held on a Tuesday. On receipt of the precepts, the local election authority shall call an election, which shall be held in accordance with the precepts.

(h) District attorney; clerks of courts; register of probate; sheriff. Whenever a failure to elect a district attorney, clerk of the courts (in Suffolk county, a clerk of the supreme judicial or superior court), register of probate and insolvency, or sheriff occurs, the governor shall have precepts issued to the local election authorities, directing them to call an election on the day which he designates for the election of that officer. Whenever a vacancy in any of these offices occurs, he shall similarly have precepts issued for an election to fill the vacancy at the next regular state general election for which precepts can be issued, unless the term of the office expires on the first Wednesday of January following that election. Whenever a vacancy in the office of district attorney, register of probate and insolvency, or sheriff occurs, the governor may appoint some person until a district attorney, register of probate and insolvency, or sheriff is qualified. Whenever a vacancy in the office of clerk of the courts in any county (or of the clerk of the supreme judicial court or superior court, in Suffolk county) occurs, the justices of the court may appoint a clerk to hold the office until a clerk is qualified.

(i) County treasurer; register of deeds. Whenever a failure to elect to the office of county treasurer or register of deeds for a county or district (except Suffolk and Nantucket counties) occurs, the county commissioners shall immediately issue precepts to the local election authorities in every city and town in the county or district, directing them to call an election for the election of that officer on a day which the commissioners designate. Whenever a vacancy in the office of county treasurer or of register of deeds in a county or district (except Suffolk and Nantucket counties) occurs, the county commissioners shall similarly issue precepts for an election to fill the vacancy at the next regular state general election for which precepts can be issued, unless the term of the office expires on the first Wednesday of January following that election, and may appoint some person to fill the office until a person is elected and qualified. The person so appointed shall give a bond (chapter 35, section 3; chapter 36, section 3). Whenever a

failure to elect to the office of register of deeds in Suffolk county, or a vacancy in that office, occurs, the city council of Boston shall select a register of deeds, as is provided above for an election in other counties. Whenever a vacancy occurs in that office, the superior court shall appoint some person until a person is elected and qualified. Whenever failure to elect to the office of register of deeds in Nantucket county, or a vacancy in that office, occurs, the selectmen of the town of Nantucket shall select a register of deeds, as is provided for an election in other counties, and may appoint some person until a person is selected and qualified.

(j) County commissioner. Whenever a failure to elect to the office of county commissioner occurs, the board of examiners (chapter 54, section 53(b)) shall immediately issue precepts to the local election authorities in every city and town in the county, directing them to call an election to elect the officer on a day which the board designates. Whenever a vacancy in the office of county commissioner occurs, the board of examiners shall similarly issue precepts for an election to fill the vacancy at the next regular state general election for which precepts can be issued, unless the term of office of the commissioner whose office is vacant expires on the first Wednesday of January following that election. Also when a vacancy occurs, the two remaining county commissioners and the clerk of the courts for the county, or a majority of them, may appoint a person, not a resident of the same city or town as either of the remaining commissioners, to fill the office of county commissioner until a person is elected and qualified.

(k) County offices generally. If a person elected to any county office dies before the first Wednesday of January following his election, the office shall be filled as in the case of a vacancy. The county commissioners in each county shall immediately notify the state secretary of any vacancy in the office of county treasurer or of register of deeds. The board of examiners shall similarly give notice to the state secretary of any vacancy in the office of county commissioner. In each case they shall send to him a copy of the precepts issued by them for an election.



(1) Presidential electors. If the whole number of presidential electors has not been chosen when the electors meet (chapter 55, section 59), or if an elector has died or is absent, the electors present shall immediately choose electors from the citizens of the commonwealth to complete the full number.

#### SUBCHAPTER D. ELECTION DISTRICTS

##### Section 18. Districts for electing officers.

(a) Congressional districts. From time to time by special law, the commonwealth is divided into congressional districts for the purpose of electing representatives in Congress.

(b) Governor's councillor, state senatorial, and state representative districts. Under the constitution (article 101 of the amendments), the commonwealth is divided by special law into governor's councillor, state senatorial, and state representative districts, for the purpose of electing respectively governor's councillors, state senators and members of state committees, and state representatives, beginning at the next regular state general election for governor after the state decennial census on which the division is based.

##### Section 19. Local election districts.

(a) Decennial division. On or before June 15, in 1985 and every tenth year after, the local legislative body or selectmen may make a new division of the territory of any city or town ("decennial division"). But a decennial division is required, in cities, where the existing wards do not contain an equal number of residents and, in towns, where the town contains 6,000 or more residents. In cities, a decennial division shall first be into wards, containing an equal number of residents.

(b) Division into precincts. Whenever a decennial division occurs (subsection (a)) or on or before the first Monday of June in any year, a ward or town may be divided into precincts, containing an equal



number of residents but not more than 4,000. But a division into precincts is required at this time where a ward contains more than 4,000 residents or where a town contains more than 6,000 residents. Every precinct (including a ward not divided into precincts (section 2 (r)) shall:

(1) consist of compact and contiguous territory entirely within the city or town, ward (if appropriate), and congressional district;

(2) be bounded, to the extent possible, by the center lines of known streets or ways, or by other well-defined limits; and

(3) be designated by numbers or letters.

In a town containing fewer than 6,000 residents, a division into precincts may be discontinued at any time, except during 1985 and every tenth year after. No change under this subsection shall be made in the boundary of a precinct according to which state decennial census returns have been reported (chapter 9, section 7), until a new division of the commonwealth occurs (section 18) into districts. In addition, no change shall be made in the boundary of a precinct as long as it forms part of the boundary of such a district.

(c) Subprecincts in representative town meeting towns. Any precinct in a town where town meeting members are elected may be divided into subprecincts until the next decennial division (subsection (a)). The number of town meeting members representing the precinct shall remain unchanged by the division. Subprecincts shall be treated as precincts for all other purposes.

(d) Notice. On or before July 1, in 1985 and every tenth year after, and within thirty days of any division or discontinuance under this section other than a decennial division, the local election authority shall transmit to the state secretary written notice containing:

(1) the number and designation of the new or unrevised wards (in cities) and precincts;

(2) an official map;

(3) a description of their boundaries; and

(4) the number of residents each contains.

Whenever any division or discontinuance occurs under this section, the local election authority shall post copies of the official map wherever copies of the voting list are posted (chapter 52, section 19(a)), and shall make copies available to the registrars, the election-day officers of each precinct, and the public.

(e) Review. In 1985 and every tenth year after, the state secretary shall make available to the local election districts review commission ("commission") (section 13) the information received from every local election authority (subsection (d)). If the commission concludes, after examining any such information, that such a decennial division, or failure to make a decennial division, violates this section or is of questionable constitutionality, it shall transmit written notice, including a clear indication of the deficiencies which it has found, to the local executive on or before September 1.

(1) In cities, within fifteen days after receipt of the notice, the local executive shall present to the local legislative body a recommendation for a division free of the deficiencies indicated by the commission. If the local legislative body fails to pass an ordinance approving that division, or another division in accordance with this section, within twenty days of that presentation, the local executive shall issue an executive order, on or before October 15, making a division subject to the approval of the commission, which shall then take effect like an ordinance adopted by the local legislative body.

(2) In towns, the local legislative body (or selectmen) shall make a new division in the manner and within the time prescribed by the commission, but not later than September 20. If any town not divided into precincts but containing 6,000 or more residents fails to make its decennial division into precincts (subsections (a)) and (b)), the commission, or a master appointed by it and subject to its review, shall make the division, in accordance with this section.

(f) Effective date of division; transition provisions.

(1) Census returns. The local executive shall report the state decennial census returns (chapter 9, section 7) according to any new division made in the year of the census.

(2) Decennial division. For all other purposes, a decennial division shall take effect on December 31, in 1987 and every tenth year after, except that the local legislative body or selectmen may decide that any city or town elections before that date shall be conducted according to a new division approved by the commission (subsection (e)).

(3) Other changes. Any other division or discontinuance under this section shall take effect on December 31 of the year of its adoption.

(g) Number of residents. Whenever this section refers to a number of residents, that number shall be ascertained, as accurately as possible, from the most recent state decennial census (chapter 9, section 7).

## CHAPTER 51. POLITICAL PARTY COMMITTEES.

### Section 1. State committee.

(a) Membership. The state committee of every political party (chapter 50, section 2(p)) shall consist of:

(1) one man and one woman elected at the presidential primary election from every state senatorial district, in which they shall reside, who shall hold office for four years from the thirtieth day after their election; and

(2) additional members who may be appointed by the state committee at any time after its temporary organization (subsection (b)), and who shall hold office for two years from the date of their appointment, but only until the terms of the elected members expire (paragraph (1)).

The members of the state committee shall be enrolled members of the political party.

(b) Organization. The elected members of the state committee shall meet for the purpose of organizing within ten days after they take office (subsection (a)(1)). They shall first organize temporarily by choosing a temporary chairman and a temporary secretary. They shall then organize permanently by choosing a chairman, a secretary, a treasurer, and whatever other officers they decide to choose.

(c) Vacancies. A vacancy in an office, or in the membership, of the state committee shall be filled by the state committee. But a vacancy in the membership caused by a tie vote at the presidential primary election shall be filled by a convention of ward and town committee delegates (chapter 53, section 6(a)(1)(iv)) from that district, but only by choosing one of the candidates receiving the tie vote.

(d) Notice. The secretary of the state committee shall send to the state secretary and to every city and town committee a list of:



(1) the members and officers of the state committee, within ten days after its permanent organization (subsection (b));

(2) any appointed members (subsection (a)(2)), within ten days after their appointment; and

(3) any officers or members appointed to fill a vacancy (subsection (c)), within ten days after their appointment.

Section 2. Ward, town, and city committees.

(a) Membership. In every ward and town, the ward or town committee of a political party (chapter 50, section 2(p)) shall consist of members elected at the presidential primary election, who shall hold office for four years from the thirtieth day after their election. The members shall reside in the ward or town and shall be enrolled members of the political party. If a member moves his residence from the ward or town, he shall cease to be a member at the end of the calendar year of his move. If a member changes his party enrollment (chapter 52, section 16), he shall immediately cease to be a member. The members of all the ward committees in a city shall constitute the city committee.

(b) Organization. Within ten days after its members take office (subsection (a)), every ward, town, and city committee shall meet and organize by choosing a chairman, a secretary, a treasurer, and whatever other officers it decides to choose. The treasurer shall qualify for his office by filing a written acceptance with the director of campaign and political finance (chapter 56, section 3(c)). If a ward or town committee fails to meet within this time, the city or state committee, respectively, shall call a meeting for its organization, including the time, place, and presiding officer for the meeting; if the ward or town committee fails to meet at that time, the election of all its members shall be void, and the city or state committee shall proceed as if no members had been elected (subsection (c)).

(c) Vacancies; failure to elect. A vacancy in any office of a ward, town, or city committee, or in the membership of a ward or town committee, shall be filled by the committee with any eligible person

(subsection (a)), but a vacancy in the membership caused by a tie vote at the presidential primary election shall be filled with one of the candidates receiving the tie vote. If no members are elected to a ward or town committee, the city or state committee, respectively, shall appoint eligible persons (subsection (a)) as its members, and shall call a meeting for its organization, including the time, place, and presiding officer for the meeting.

(d) Number of members. City and town committees shall set the number of members of ward and town committees, respectively, to be elected at the next presidential primary election; the number shall be between three and thirty-five, inclusive. The city or town committee shall file notice of this number with the state secretary on or before the third Tuesday in October preceding that presidential primary election. The number shall be ten if the state secretary does not receive notice otherwise.

(e) Associate members. A town committee, and a ward committee if authorized by its city committee, may appoint associate members, who shall not have the right to vote in the committee, but who shall have whatever other rights, powers, and duties the ward or town committee decides.

(f) Notice. The secretary of every ward, town, and city committee shall send to the state secretary, the local election authority, the secretary of the state committee, and (with respect to a ward committee only) the chairman of the city committee a list, including addresses, of:

- (1) the members and officers of his committee, within ten days after its organization (subsections (b) and (c));
- (2) any associate members, within ten days after their appointment (subsection (e)); and
- (3) any officers or members appointed to fill a vacancy, within ten days after their appointment (subsection (c)).

Section 3. Transition provisions.

(a) Pre-existing committees. When a political organization first qualifies as a political party (chapter 50, section 2(p)), its committees then in existence shall be considered to have been elected as political party committees under this chapter.

(b) Decennial division by wards. After a decennial division of a city into new wards (chapter 50, section 19), the ward committees shall continue in existence according to the previous ward division until the successor ward committees organize after the next presidential primary election. Before the terms of the old ward committee members expire, the treasurer shall pay whatever funds the ward committee possesses, after paying all bills, to the treasurer of the city committee. The treasurer of the ward committee shall report the payment as an expenditure, and the treasurer of the city committee shall report it as a contribution (chapter 56, section 8).

Section 4. Rulemaking.

A state, city, or town committee may adopt rules consistent with law for its proceedings.

CHAPTER 52. VOTERS  
SUBCHAPTER A. ELIGIBILITY.

Section 1. Eligibility to register to vote.

A person is eligible to register to vote ("register") in a city or town if he is:

- (a) a citizen of the United States;
- (b) eighteen years old or older on the day of the next election;
- (c) a resident of the city or town at the time of registration;
- (d) not under guardianship by order of the probate court (chapter 201, section 6A); and
- (e) not disqualified from voting for committing a corrupt election practice (chapter 57, section 66).

Section 2. Precinct of registration.

A registrant's precinct of registration shall be the precinct where the registrant resides at the time of registration, unless he later changes his address (section 16).

Section 3. Eligibility to vote.

A person is eligible to vote in a precinct at an election if:

- (a) (1) that person's name appears on the voting list (section 17(c) and chapter 55, section 28(a)) for that precinct at that election, as required by this chapter; or
- (2) that person presents a valid certificate of error (chapter 55, section 28(c)); or
- (3) that person presents a valid certificate of supplementary registration (section 11(c)); or
- (4) for voting by absentee ballot only, that person's name appears on the list of federally qualified persons whose applications have been processed (chapter 55, section 37(e)); and
- (b) that person has not already voted in that election; and
- (c) if the election is a primary election, that person is enrolled or enrolls (chapter 55, section 28(b)) in the appropriate political party.



SUBCHAPTER B. REGISTRATION SESSIONS.

Section 4. Last day to register.

(a) Definition. The "last day to register" for an election is:

(1) the twenty-eighth day before a regular state election;  
and

(2) the twentieth day before any other election.

But if the last day to register under this subsection falls on a Sunday or holiday, the preceding day instead is the last day to register.

(b) Effect. In order to permit efficient preparation of the voting list, the name of a person who registers after the last day to register for an election shall not be included on the voting list for that election (section 17(b)). But affidavits of registration shall continue to be received after the last day to register, and the name of a voter who registers after the last day to register for an election shall immediately be entered in the registered voters file (sections 10 and 12(c)). This section applies notwithstanding any contrary special law.

Section 5. Required registration sessions.

(a) General provisions. The registrars of every city and town shall hold a session for the regular personal registration (section 11(a)) of voters ("session"):

(1) during regular business hours at their principal office, except in towns containing fewer than 600 voters;

(2) once in every ward (in towns, precinct), between the sixtieth day, and the last day to register, inclusive, before every regular general election (unless, with respect to a city or town election only, the local legislative body or selectmen decide otherwise;

(3) once per week at night at their principal office, during the last three weeks before the last day to register for every regular general election;

(4) from 12:00 noon to 8:00 p.m. on the last Saturday before the last day to register for every election, whether or not other city or town offices are closed on that day (chapter 41, section 110A);

(5) from 9:00 a.m. to 10:00 p.m. on the last day to register for every regular election, except in towns containing fewer than 300 voters, where a session from 2:00 to 4:00 and from 7:00 to 10:00 p.m. is sufficient;

(6) from 12:00 noon to 10:00 p.m. on the last day to register for every special state election;

(7) from 12:00 noon to 8:00 p.m. on the last day to register for every special city or town election; and

(8) at whatever other times and places they, or the local legislative body acting by ordinance or by-law, consider effective. Such a session must be within the city or town, except for a session at a regional high school, college, or university in the commonwealth where there are persons eligible to register in the city or town who are regularly gathered there because of education or employment.

(b) Town meetings. As used in this subsection, "town meeting" does not include a representative town meeting. Registration sessions before town meetings need be held only:

(1) before an annual town meeting which is not within thirty-five days after a town election, as if before a regular town general election. If the meeting occurs within thirty-five days before a town election, additional registration sessions need not be held before the election; and

(2) from 12:00 noon to 8:00 p.m. on the tenth day before a special town meeting, which is the last day to register for that meeting.

(c) Overlapping requirements. The same session may satisfy the requirements of this section with respect to more than one election, if the session otherwise meets each such requirement.

#### Section 6. Registration sessions by request.

In addition, the registrars shall hold a session:

(a) Places of principal activity. At any place within the city or town where persons eligible to register (section 1) gather because of employment or other principal activity, including any factory, mill, school, college or university, hospital, or nursing or rest home, if the registrars receive a written request to that effect, signed by ten or more voters in the city or town and including the signers' addresses. The request shall be effective only if the registrars also receive written permission from the tenant but, if there is no tenant, the owner of the place. But if the place is owned by the commonwealth or any of its subdivisions, no permission is required, and the registrars need only notify the persons in custody of the property and make arrangements with them.

(b) Public schools. At any public high school or vocational school in the city or town, if the registrars receive a written request to that effect from the principal of that school. The request shall be effective only if the registrars also receive from the principal a written request to the principal signed by twenty-five or more unregistered students of voting age at that school. Only one session at each school may be requested under this subsection during any school year.

Any session held under this section shall be held on or before the last day to register for the next regular election which is forty or more days after the request was received. The session shall be held at a time and location, and on a day, reasonably convenient to the persons gathered at the place, and shall last at least two hours if the request so states.

#### Section 7. Public notice.

In whatever way they consider effective, the registrars shall give notice to the public of the last day to register for every election, and of the days, times, and places of all sessions. At every session, the registrars shall post in a conspicuous place a notice of the penalties for violating the provisions of the Election Law which apply to registration and registration sessions (chapter 57, subchapter A).

Section 8. Enforcing correct procedure.

The registrars shall assign one or more registrars or assistant registrars to every session. All sessions shall be open to the public. Mobile registration units may be used at any session. A registrar or assistant registrar shall enforce correct procedure at a session, maintain order where it is held, and keep access to it open and unobstructed. When requested by the registrars, the officer in charge of the city or town police shall detail a sufficient number of police officers to any session, in order to preserve order and enforce the directions of the registrar or assistant registrar.

SUBCHAPTER C. REGISTRATION OF VOTERS.

Section 9. Affidavits of registration.

The registrars shall prepare in sufficient quantities blank forms for affidavits of registration, in substantially the form appearing in Appendix A. The state secretary shall provide to the registrars bilingual English-Spanish forms for affidavits of registration, for use by Spanish-speaking registrants.

Section 10. Registered voters file.

The registrars shall maintain at their principal office a "registered voters file," which shall contain, in whatever form the registrars consider effective, the name, address, and party enrollment, if any, of every voter in the city or town. The registered voters file shall be organized both by voter's surname and by voter's street address and precinct of registration.

Section 11. Methods of registration.

(a) Regular personal registration. In order to register to vote, except as this section provides otherwise (subsections (b) and (c)), a person shall appear in person at a session (subchapter B) and register (section 12) in the presence of a registrar or assistant registrar.



(b) Physically disabled persons. A person unable because of physical disability to register at a session (subsection (a)) may apply to the registrars for personal registration under this subsection. Application shall be on an application form provided by the registrars in substantially the form appearing in Appendix B. The completed application shall be returned by mail to the principal office of the registrars. The registrars shall then assign two registrars or assistant registrars, equally representing the two leading political parties, who shall visit the applicant and, if satisfied that he is unable because of physical disability to register at a session, permit him to register (section 12) in their presence. The visit shall be made on or before the last day to register for the next election (section 4) if the registrars receive the application on or before the third day before that last day to register. No visit under this subsection shall be made outside the city or town where the applicant seeks to register.

(c) Federally qualified persons. The registrars shall issue a "certificate of supplementary registration" (section 3(a)(3)) to every federally qualified person (chapter 50, section 2(h)) who registers (section 12) after the last day to register for an election but before 4:00 p.m. of the day before that election.

Section 12. Uniform registration procedure.

(a) Completion of affidavit. The registrar or assistant registrar shall provide any person seeking to register ("registrant") with a blank form for affidavit of registration (section 9), unless the time for a session (sections 5,6, and 7) has expired and the registrant was not waiting in line when the time expired. The registrant shall complete the form and sign it under the penalties of perjury in the presence of the registrar or assistant registrar. The registrant shall enter either his full name or his full first name (or the name by which he is generally known) and surname and any middle initials. A registrant who has chosen to retain his own surname at marriage shall enter that surname. If the registrant is unable to sign his name, he shall make his mark, which shall be witnessed by the registrar or assistant regis-

trar. The registrant may at this time establish a party enrollment by indicating it on the affidavit. The registrant may, if he desires, produce papers of naturalization, and a notation of this shall be made on the affidavit.

(b) Receipt of affidavit. The registrar or assistant registrar shall receive the affidavit from the registrant, shall certify that it was signed in his presence, and shall enter the date, which shall be the date of registration.

(c) Entry in registered voters file; rejection. The registrars shall then make the corresponding entries in the registered voters file (section 10), unless they find that:

(1) the affidavit is incomplete;  
(2) the registrant has entered a date of birth which shows him to be underage (section 1(b)); or

(3) the registrant has entered as his residence on the face of the affidavit an address outside the city or town.

If they so find, they shall notify the registrant and give him an opportunity to remedy the defects in the affidavit. If their finding then remains unchanged, they shall reject the affidavit and notify the registrant of the rejection.

(d) Notice to last place of residence. Unless they reject the affidavit (subsection (c)), the registrars shall transmit a copy of it to the registrars of any city or town in the commonwealth, or the state secretary or corresponding officer of any other state, where the registrant indicates in the affidavit he last resided.

### Section 13. Illegal or incorrect registration.

(a) Complaint. Any voter in the city or town, including a registrar or assistant registrar, who has reason to believe and does believe that a voter has illegally or incorrectly registered (sections 1, 11, and 12) may file a written complaint with the registrars to that effect, including his reasons for so believing.

(b) Summons. If the registrars then have probable cause to believe that the voter complained of has illegally or incorrectly registered, they shall summon the voter to appear at a hearing before them prior to the next election. The summons shall include the substance of the complaint and a copy of this section. Service of the summons shall be made by an officer qualified to serve civil or criminal process, in the manner provided for the service of civil process, between the fourteenth and second days, inclusive, before the hearing. The officer shall return the summons to the registrars before the day of the hearing, with the certificate of his actions on it.

(c) Hearing. At the hearing, the burden shall be on the complainant to show that the voter registered illegally or incorrectly. The complainant and the voter may be represented by counsel, and all witnesses may be cross-examined. If the voter does not appear at the hearing and the complainant makes out a prima facie case, the registrars may render a decision unfavorable to the voter. But if the voter, subsequently but before the next election, appears before the registrars and shows sufficient cause for his earlier failure to appear, the registrars shall reopen the hearing.

(d) Decision. If the registrars find that the voter registered illegally or incorrectly, they shall delete the corresponding entries from the registered voters file. If they find that the voter was eligible to register but that his precinct of registration (section 2) is incorrect, they shall make the corresponding change in the registered voters file.

#### SUBCHAPTER D. OTHER CHANGES IN REGISTERED VOTERS FILE.

##### Section 14. Residents list.

(a) Annual canvass. In January or February of every year, the registrars shall visit or otherwise communicate with the residents of every building in the city or town in order to obtain the information required for the schoolchildren and residents lists (subsections (b) and

(c); if the communication is by mail, it shall include the statement, "Warning. Failure to respond to this mailing may result in removal of your name from the voting list." The registrars may have the assistance of the police department, assessors, supervisors of school attendance, other employees of the city or town, or other qualified persons, with the approval of the local executive or school committee, as the case may be. Every licensed innholder or keeper of a lodging house or public lodging house (chapter 140) (including fraternity houses and dormitories of educational institutions), every owner of a residential apartment building containing more than eight rental dwelling units, and every president or other principal officer of a condominium association shall provide this information regarding the residents of that building under the penalties of perjury.

(b) Schoolchildren list. On or before April 1 of every year, the registrars shall transmit to the school committee a "schoolchildren list," containing the name, address, and age or date of birth of every resident of the city or town between three and twenty-one years old, inclusive. The expenses incurred by the registrars under this section shall be carried as an item in the school committee budget, in the proportion that the number of listed residents less than seventeen years old bears to the total number of persons listed on the schoolchildren and residents lists.

(c) Residents list. On or before April 15 of every year, the registrars shall prepare a "residents list," containing, for every resident of the city or town who is seventeen years old or older, that resident's:

- (1) name;
- (2) address on January 1;
- (3) address on January 1 of the preceding year;
- (4) age or date of birth;
- (5) occupation; and
- (6) nationality, if not a citizen of the United States.



In addition, the residents list shall indicate which residents are voters. The information shall be arranged by precinct, and then by street address or, in towns, by resident's surname.

(d) Publication. On or before June 15 of every year, the registrars shall publish enough copies of the residents list to furnish one, free of charge on request, to every political party committee (chapter 51), candidate, or political committee (chapter 56) whose district includes the city or town and, on payment of a reasonable fee not to exceed the printing cost, to any other person.

(e) Applicability. As used in this section, "registrars" includes any listing board established by the local charter to perform similar duties. The provisions of this section concerning the schoolchildren list do not apply to the city of Boston. Otherwise, this section applies notwithstanding any contrary special law.

Section 15. Correction of registered voters file.

The registrars shall correct errors in the registered voters file whenever brought to their attention. But an entry shall be deleted from the registered voters file only for illegal or incorrect registration (section 13) or when:

(a) Not on current residents list. The voter does not appear on the current residents list (section 14). On or before the first Monday in June of every year, the registrars shall send to the indicated address of every such voter by non-forwardable first class mail, including the registrars' return address, written notice of the deletion and of his right to a hearing. The registrars shall also prepare a list of all such voters, make it available to the public on payment of the copying cost, and post it whenever and wherever main voting lists are posted (section 19(a)). They may also publish it in a local newspaper. Any such voter who establishes, after hearing or by any other method which the registrars consider effective, that he remains a resident of the city or town shall be restored to the registered voters file;

(b) Registered elsewhere. The registrars receive notice from another board of registrars (section 12(d)) or other corresponding officers that the voter has registered in another jurisdiction; or

(c) Deceased. The registrars receive official notice that the voter has died. On the first day of every month and two days before every election, the city or town clerk, or other officer in charge of the registration of deaths, shall transmit to the registrars a list of the names and addresses of all residents of the city or town, eighteen years old or older, who died since the last transmission of such a list.

Section 16. Change of name, address, or party enrollment.

(a) Procedure. The registrars shall change a voter's name, address within the city or town (and corresponding precinct of registration (section 2)), or party enrollment, in the registered voters file, if the voter makes a written request to that effect. The voter must make the request for a change of name in person. A "change" in party enrollment also includes the establishment or cancellation of enrollment. If a voter does not choose to adopt a new name as a result of marriage, the registrars shall not change that voter's name in the registered voters file.

(b) Effective date of change. Any change under this section shall take effect immediately, but it shall take effect with respect to an election, and shall be reflected in the voting list for that election, only if the request is received on or before the last day to register for that election (sections 4 and 17(b)).

SUBCHAPTER E. VOTING LISTS.

Section 17. Preparation of voting lists.

(a) Main voting list. On or before July 1 of every year (except in towns in odd-numbered years), the registrars shall publish and make available (as provided in section 19(c)) for every precinct a "main

voting list," containing the name, address, and party enrollment, if any, of every voter as entered in the registered voters file at that time. The information shall be arranged, as far as possible, by street address, except in towns where the residents list was not arranged by street address (section 14(b)).

(b) Supplementary voting list. As soon as possible after the last day to register for every election, the registrars shall publish for every precinct a "supplementary voting list," containing any changes (sections 12, 13, 15, and 16) made in the registered voters file on or before that last day to register but after the publication of the most recent main or supplementary voting list.

(c) Voting list for election. The most recent main voting list and any subsequent supplementary voting lists shall constitute the "voting list" for an election in each precinct.

Section 18. Correction of voting list.

The registrars shall correct the voting list for an election to reflect any deletion from or correction in the registered voters file (sections 13 and 15) made after the last day to register for that election.

Section 19. Posting; availability; report.

As soon as possible after the last day to register for every election, the registrars shall:

(a) post copies of the voting list for that election at their principal office, and, with respect to a regular general election only, in each ward of a city and each precinct of a town. But the main voting list shall be so posted at least twenty days before a regular city or town general election, and at least sixty days before a regular state general election;

(b) transmit a copy of the voting list for each precinct to the election-day officers of that precinct;

(c) publish enough copies of the voting list for that election to furnish one, free of charge on request, to every political party committee (chapter 51), candidate, or political committee (chapter 56) whose district includes the city or town and, on payment of a reasonable fee not to exceed the printing cost, to any other person; and

(d) with respect to a regular general election only, report to the state secretary the number of registered voters in the city or town and in each of its wards and precincts, if any. In addition, on or before February 1 of every even-numbered year, the registrars shall so report to the state secretary the number of voters enrolled in each political party, and those unenrolled, as of the date of the regular city or town general election in the previous year.

Section 20. Preservation of materials.

All documents in the custody of the registrars which concern registration or the residents list (section 14) are public records (chapter 50, section 5), and shall be preserved for two years after the date when they were made or received. But affidavits of registration or their microfilm copies shall be preserved indefinitely.





PLEASE READ CAREFULLY

I swear (affirm) that I am the person named above, that the above information is true, that I am not under legal guardianship, that I am not legally disqualified from voting for committing a corrupt election practice, and that I consider this residence to be my home.

---

/Signed under the penalties of perjury  
/(Signature:)

---

Certification of registrar or assistant registrar

---

Title

---

Date

---

Appendix B.   Form of physically disabled registration  
                  application.   (section 11(b))

PHYSICALLY DISABLED REGISTRATION APPLICATION

I wish to register to vote, but I am unable because of physical disability to register at a registration session.

Signed under the penalties of perjury.  
(Signature)

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address at which you will be available

\_\_\_\_\_  
Residence (address) (if different)

\_\_\_\_\_

CHAPTER 53. NOMINATIONS  
SUBCHAPTER A. NOMINATIONS GENERALLY

Section 1. Ballot access by nomination.

The name of a candidate shall be printed on the ballot at an election if, and only if, he receives a "nomination" under this chapter. Nomination for a general election ballot is a "general nomination"; for a primary election ballot, a "primary nomination"; and for a preliminary election ballot, a "preliminary nomination." At every primary election, there shall be a separate election on a separate ballot for every political party.

Section 2. Methods of nomination.

Unless the local charter or this chapter (sections 11 and 12 and subchapter C) provides otherwise for a city or town election, and except for presidential nominations (section 10) and nominations to fill vacancies (section 6), a candidate shall receive:

- (a) a primary nomination only by filing a valid "primary nomination petition" (section 3), and
- (b) a general nomination only by:
  - (1) winning a preceding primary election, or
  - (2) filing a valid "general nomination petition" (section 3).

Section 3. Nomination petitions.

(a) Definition. As used in this chapter, "nomination petition" includes primary, preliminary, and general nomination petitions (sections 2 and 12(b)).

(b) Availability. Blank forms for nomination petitions shall be prepared and, on request, furnished by the state secretary for state elections and by the local election authority for city elections. For town elections, these forms shall be prepared by the state secretary but furnished only by the local election authority.



(1) State elections. Nomination petition forms for regular state elections shall be available for use on or before the twelfth Tuesday before the last day to file (subsection (h)).

(2) City and town elections.

(i) Nomination petition forms for city and town elections shall state the place where, and the last day and hour when, they are to be filed. Only a candidate or a person he authorizes in writing may obtain these forms.

(ii) This subparagraph applies to city or town elections in any city or town where the local legislative body accepts it. Nomination petition forms shall be obtained not later than two weekdays before the last time for submission to the registrars (subsection (f)). The forms shall be furnished only to a candidate who files a statement with the local election authority containing his name and address and the office for which he is a candidate. No candidate may receive more forms than will contain more than five times the required number of signatures (subsection (e)).

(c) Contents.

(1) Generally. Every nomination petition shall contain:

(i) the name of the candidate seeking nomination;  
(ii) his written acceptance;  
(iii) the address of his residence;  
(iv) the office for which he is a candidate, including the name of the district, if any; and

(v) the name of the political party, if any, whose nomination he seeks. Otherwise, except for a town meeting or home rule charter commission member, the petition may contain a political designation, expressed in three or fewer words, but not including the name of a political party.

The information required by this subsection shall appear on every sheet of the nomination petition before any voter signs it, but the candidate's written acceptance, the descriptive statement (paragraph (3)), and the committee to fill vacancies (paragraph (4)) need only appear on one such sheet, and the candidate's written acceptance need only appear at the time the petition is submitted for certification (subsection (f)).

(2) Multiple candidates on same petition. A nomination petition for town or statewide offices, or for ward or town committees, but for no other offices, may contain information (paragraph (1)) for more than one candidate, but no more candidates for each office than the number to be elected. A general nomination petition for governor or lieutenant governor shall contain information for candidates for both those offices.

(3) Descriptive statement. A primary or preliminary nomination petition, except for ward or town committees, may contain a statement, in eight or fewer words:

(i) of the public offices (which does not include political party committees) which a candidate holds or has held, stating clearly that he is a former incumbent if that is true;

(ii) that he is a candidate for renomination (re-election, if a state committee member), if he is an elected incumbent of the office for which he seeks that renomination (re-election, if a state committee member); and

(iii) that he is a veteran, if he meets the legal definition (chapter 31, section 21).

The general nomination petition of a candidate for town office who is its elected incumbent may contain the words "Candidate for Re-election." In addition, the general nomination petition of a candidate for town meeting member shall show whether he is a former town meeting member.

(4) Committees to fill vacancies. The general nomination petitions of candidates for governor and lieutenant governor or of candidates at a city or town election may contain the names and addresses of five voters as a committee to fill vacancies (section 6).

(5) Ward number. The nomination petition of a candidate for alderman at large shall contain the number of the ward where he resides.

(d) Signers. A voter signing a nomination petition shall sign his name substantially as registered and shall include the address where he currently resides and, if different, the address where he resided on

the previous January 1. He shall sign in person, except that a voter prevented from writing by physical disability may authorize any person to sign in his presence. A voter may sign nomination petitions only for as many candidates for each office as there are to be elected.

(e) Number of signatures. The number of valid signatures required for nomination to the following offices is:

(1) Primary nominations:

(i) United States senator, governor, lieutenant governor, and attorney general: 10,000;

(ii) State secretary, state treasurer, and state auditor: 5,000;

(iii) President (section 10(a)(2)): 2,500;

(iv) Representative in congress: 2,000;

(v) Governor's councillor and district attorney: 1,000;

(vi) Clerk of courts, register of probate and insolvency, register of deeds, county commissioner, sheriff, and county treasurer: 1,000 (but in Barnstable, Berkshire, Franklin, and Hampshire counties: 500; and in Dukes and Nantucket counties: 25);

(vii) State senator: 300;

(viii) State representative: 150;

(ix) State committee: 50;

(x) Ward or town committee: 5; and

(xi) City or town offices: 5 (but if the district includes more than one ward of a city, including the entire city, then 5 multiplied by that number of wards).

But if the number otherwise required above exceeds ten per cent of the number of voters in the district enrolled in the political party whose nomination the candidate seeks, then the number required shall be ten percent of the voters enrolled in that party in the district, or one-half of the number otherwise required above, whichever is greater.

(2) General nominations:

(i) State elections: two percent of the vote cast for governor at the last regular state general election in the district from

which the candidate seeks election, or the number required for a primary nomination (paragraph (l)), whichever is greater (but if that vote for governor in the district cannot be calculated because of changes in district boundaries, then twice the number required for a primary nomination (paragraph (l))); and

(ii) City and town elections: unless the local charter provides otherwise, one percent of the vote cast for governor at the last regular state general election in the district from which the candidate seeks election (but no more than 50 or less than 20 for a town office, and 50 in a city ward where that vote for governor in the ward cannot be calculated because of changes in ward boundaries). But only ten valid signatures are required for a candidate for town meeting member.

(f) Submission to registrars. The nomination petition shall be submitted to the registrars of the city or town where the signers claim to be voters before 5:00 p.m. of the seventh day before the last day to file (subsection (h)). If the name of the district in which the candidate seeks nomination (subsection (c) (1) (iv)) is incorrect, the registrars shall inform the candidate before certification (subsection (g)). The candidate may then change the name of the district. If he does so, the candidate and a registrar shall initial the change and shall sign and attach to the petition a written explanation of the change, copies of which shall be retained by the registrars and the candidate.

(g) Certification. Unless a different intention clearly appears, this subsection applies whenever the Election Law or a local charter requires the registrars to certify the signature of a voter. The registrars shall certify every signature on a nomination petition which they can reasonably identify as the name of a voter in the city or town:

(1) whose precinct of registration is in the district for which the nomination is made;

(2) who has not signed nomination petitions for more than the permitted number of candidates (subsection (d)); and



(3) on a primary nomination petition, who is not enrolled in a political party other than the one whose nomination petition he has signed.

If they do not certify a signature, they shall indicate opposite it on the face of the petition their reason for not certifying it. They shall indicate the number of certified signatures on the petition, but they need not certify more than two-fifths (one-fifth, on a city or town primary or preliminary nomination paper) more than the required number of signatures (subsection (e)). Signatures shall not be certified from more than one city or town on the same sheet. They shall complete the certification of signatures no later than 5:00 p.m. of the day before the last day to file (subsection (h)). Any judicial proceeding to review the failure to certify a signature need be brought only against the state secretary for state elections or the local election authority for city and town elections, and the burden shall be on that defendant to show that the signature was properly not certified.

(h) Filing. Nomination petitions shall be filed with the state secretary for state elections and the local election authority for city and town elections. The person filing the petitions shall be given a receipt showing the time and date of filing. The state secretary need not receive more than two-fifths more than the required number of valid signatures (subsection (e)). Nomination petitions must be filed before 5:00 p.m. of:

(1) the first Friday in January before the presidential primary election, for presidential candidates (section 10(a)(2));

(2) the third Tuesday in November before the presidential primary election, for political party committee candidates;

(3) the tenth Tuesday before the September state primary election, for statewide candidates and candidates for representative in Congress at that election or the following regular state general election;

(4) the eleventh Tuesday before the September state primary election, for other candidates at that election or the following regular state general election;

(5) the fifth Tuesday before a special state primary election, for candidates at that election or the following special state general election;

(6) the thirty-fifth day before a city or town primary election, for candidates at that election, unless the local charter provides otherwise; and

(7) the twenty-eighth day before a city or town preliminary or general election, for candidates at that election, unless the local charter provides otherwise or (unless the local charter provides otherwise) the local legislative body or selectmen designate an earlier date; that designation shall occur not later than the sixtieth day before the last day to file so designated.

(i) Accompanying certificates. On or before the last day to file nomination petitions (subsection (h)), a candidate shall also file, with the state secretary for state elections and the local election authority for city and town elections, a certificate from the registrars of his city or town:

(1) if he files a primary nomination petition:

(i) that he has been enrolled in the political party whose nomination he seeks for ninety days before that last day to file, unless he registered to vote in the city or town after that nintieth day before, and

(ii) for a state primary election, that he has not been enrolled in any other political party for one year before that last day to file;

(2) if he files a general nomination petition for any general election which follows a primary election, that he is a voter, is not enrolled in a political party, and has not been so enrolled for ninety days before that last day to file; and

(3) otherwise, that he is a registered voter.

The registrars shall issue such a certificate to any candidate who meets these requirements, or to his authorized representative, immediately on request.

(j) Validity. Unless an objection is filed (section 4), a nomination petition is valid if:

- (1) it contains the required information (subsection (c));
- (2) it contains the required number (subsection (e)) of valid signatures (subsection (g));
- (3) it is filed on time (subsection (h)); and
- (4) the required certificate is also filed on time (subsection (i)).

#### Section 4. Objections.

(a) Filing. This section applies notwithstanding any contrary special law. Any voter ("objector") eligible to vote for a candidate at an election may file an objection to the nomination of that candidate for that election. The objection shall state the reason why the candidate should not be considered nominated, and may include the reason that the candidate is a fictitious or non-existent person or has not been nominated under his real name. The objection must be filed with the state secretary for state elections and the local election authority for city and town elections, and, unless the local charter provides otherwise for a city or town election, within:

- (1) (i) three weekdays, for state nomination petitions;  
(ii) two weekdays, for city nomination petitions; and  
(iii) one weekday, for town nomination petitions;  
after the last time to file those nomination petitions (section 3(h)); and
- (2) six days after a primary or preliminary election, for general nominations made by that primary or preliminary election (sections 2(b)(1) and 12 (d)(1)).

An objection to a primary nomination shall be accompanied by a twenty-five dollar deposit, which shall be refunded if the commission (subsection (b)) finds that the objector or his attorney appeared at the hearing and that the objection was made in good faith and was not frivolous, and by a certificate from the registrars of the objector's city or town that he is enrolled in the appropriate political party.

(b) Transmission to commission; notice. The state secretary shall immediately transmit the objection to the state ballot law commission (chapter 50, section 12(a)); the local election authority, to the local ballot law commission (chapter 50, section 12(b)). That commission shall then immediately mail notice to the objector, the candidates for the office or nomination involved, and any interested political party committee.

(c) Decision. After hearing, the commission shall render a decision:

(1) for regular state elections, before 5:00 p.m. of the fourteenth day, and

(2) otherwise, before 5:00 p.m. of the fourth day, after the last day to file objections (subsection (a)). If it fails to render a decision within that time, the ballot for that election shall be printed nevertheless. If the candidate whose nomination is objected to fails to appear, the commission shall vacate the nomination.

#### Section 5. Withdrawals.

A candidate who has been nominated (section 2) may withdraw from nomination only by filing a written "notice of withdrawal", signed and acknowledged by him before a notary public, with the state secretary for state elections and the local election authority for city and town elections. The notice must be filed on or before the last day to file objections to the nomination (section 4(a)), but for town primary nominations, before two days after the last time to file town primary nomination petitions (section 3(h)(6)). This section applies notwithstanding any contrary special law.

#### Section 6. Vacancies.

(a) Who fills. Unless the local charter provides otherwise for a city or town election, when a vacancy occurs in a nomination because of the death, withdrawal (section 5), or ineligibility of the candidate nominated, or of all the candidates for a general nomination at a primary election, it shall be filled only as follows:



(1) if a general nomination was by primary election (section 2(b)(1)):

(i) by the state committee of the political party, if the nomination is for statewide office;

(ii) by the town committee of the political party, if the district lies within one town;

(iii) by the corresponding ward committee or committees of the political party, if the district lies within one city; and

(iv) otherwise, by a convention of delegates chosen by and from the ward and town committees of the political party in the district. The delegates shall be chosen as provided by the rules of each ward and town committee. There shall be one delegate from each ward or town for every 500 votes, or fraction of that number, cast in that ward or town for that political party's candidate for governor at the last regular state general election. The state secretary shall be sent notice of the delegates chosen. The convention shall be called by a delegate designated by the chairman of the state committee of the political party, and that delegate shall preside until a chairman is elected; and

(2) if the nomination was by general nomination petition (section 2(a)) of candidates for governor and lieutenant governor only, or by any nomination petition at a city or town election, then by majority vote of any committee to fill vacancies indicated on the petition (section 3(c)(4)), except where the petition contains an insufficient number of signatures (section 3(e) and (j)(2)).

No vacancy caused by withdrawal shall be filled before the notice of withdrawal has been filed (section 5).

(b) Certificate. The chairman and secretary of the committee or convention which fills the vacancy (subsection (a)) shall swear to and sign a "certificate of nomination to fill vacancy," and shall file it with the state secretary for state elections and the local election authority for city and town elections. The certificate shall contain the information which would be required on a nomination petition (section 3(c)), and in addition:

(1) the name of the candidate originally nominated, if any;  
(2) whether the vacancy was created by death, withdrawal, ineligibility, or tie; and

(3) the method of filling the vacancy (subsection (a)).

If the vacancy was caused by withdrawal, the certificate must be filed within three weekdays for state elections, and two weekdays for city and town elections (but one day for a town primary election), after the last time to file a notice of withdrawal (section 5). Otherwise, the certificate must be filed before 5:00 p.m. of the third day after the vacancy was filled. Any nomination to fill a vacancy shall be subject to objection like any other nomination (section 4).

(c) Ties. A vacancy in a nomination caused by a tie vote at a primary election shall be filled like any other vacancy under this section, but only by choosing one of the candidates receiving the tie vote.

#### Section 7. Multiple nominations.

(a) Generally. A candidate who receives nominations for more than one office at the same election must withdraw from all but one of them (section 5) or be ineligible for all of them. But this subsection does not apply to a nomination for a political party committee.

(b) Ward and town committees. A candidate who receives more than one nomination for ward or town committee must withdraw from all but one of them (section 5) or be ineligible for all of them.

#### Section 8. Primary election winner by write-in or sticker.

A candidate whose name does not appear on the official ballot at a primary election shall not receive a general nomination because of that primary election unless:

(a) he receives a number of votes at least equal to the number of signatures required on that primary nomination petition (section 3(e)(1)); and

(b) he files his written acceptance of that general nomination:

(1) for state elections, with the state secretary before 5:00 p.m. of the thirteenth day after the primary election; and

(2) for city and town elections, with the local election authority before 5:00 p.m. of the sixth day after the primary election. That candidate may not withdraw from nomination once he has filed his acceptance.

#### Section 9. Preservation of materials.

Nomination petitions once filed (section 3(h)), objections (section 4), notices of withdrawal (section 5), and certificates of nomination to fill vacancies (section 6) are public records (chapter 50, section 5) and shall be preserved for one year.

### SUBCHAPTER B. SPECIAL PROVISIONS.

#### Section 10. Presidential nominations.

(a) Presidential primary election. A candidate for president of the United States shall be nominated for the presidential primary election if:

(1) the state secretary determines that he is generally advocated or recognized as such in national news media throughout the United States;

(2) a valid nomination petition is filed (section 3); or

(3) the chairman of the state committee of the political party submits his name to the state secretary.

The state secretary and these chairmen shall file the lists of these names (paragraphs (1) and (3)) on or before the first Friday in January before the presidential primary election, and the state secretary shall immediately notify each candidate on the lists by registered mail. These nominations shall be subject to objection (section 4) and withdrawal (section 5), but a notice of withdrawal may be filed before 5:00 p.m. of the second Friday in January.

(b) Delegates to national conventions.

(1) Selection. The state committee of every political party which holds a national convention in a presidential election year shall determine by rule the method of selecting delegates to that convention from the commonwealth, but the selection of delegates shall reflect the preference expressed in the voting for candidates for president at the presidential primary election, and the name of no candidate for delegate shall appear on the official ballot. The state committee shall file a copy of these rules with the state secretary on or before October 1 of the year before the presidential primary election. The state committee shall also determine the number of delegates and alternate delegates, not fewer than two of each from each congressional district, and shall notify the state secretary in writing on or before the first Tuesday in January.

(2) Voting at convention. If there is a roll call vote for president at the national convention, any delegate or alternate delegate whose selection was made subject by rule (paragraph (1)) to the approval of a candidate for president shall vote for that candidate on the first such roll call vote, unless released by that candidate.

(c) Nomination of presidential electors.

(1) By political parties. The state committee of every political party shall nominate that party's candidates for presidential elector at a meeting called for the purpose. The chairman of the state committee shall file with the state secretary a list of the candidates nominated (paragraph (4)) on or before the second Tuesday in September before the presidential election.

(2) Otherwise. Any other nomination of candidates for presidential elector shall be by filing a valid general nomination petition (paragraph (4)) as for other candidates for statewide office (section 3(e)(2)(i) and (h)(3)).

(3) List of write-in candidates if no nomination. A voter may vote (chapter 55, section 30(c)) for candidates for presidential elector who are not nominated under this section (paragraphs (1) and



(2)) only if a list of those candidates is filed with the state secretary (paragraph (4)) on or before the sixtieth day before the presidential election. Before the election, the state secretary shall notify every local election authority of the candidates for president and vice-president whose names appear on these lists (paragraph (4)(ii)).

(4) Contents of filing. Any nomination petition or list filed under this subsection shall be on a form provided by the state secretary and shall contain:

(i) the names, addresses, and written acceptances of the candidates for presidential elector;

(ii) the names and addresses of the candidates for president and vice-president of the United States; and

(iii) the written pledge of those candidates for elector to vote for those candidates for president and vice-president (chapter 55, section 59).

#### Section 11. Nomination of incumbent town meeting member.

Notwithstanding any contrary special law, an incumbent member of a representative town meeting may be nominated by filing written notice with the local election authority on or before the fourteenth day before the last day to file nomination petitions (section 3(h)(6)).

#### Section 12. Preliminary elections.

(a) Applicability. This section applies in any city or town where the local charter provides for preliminary elections, but does not establish different procedures.

(b) Preliminary nomination. A candidate shall receive a preliminary nomination (section 1) by filing with the local election authority a valid preliminary nomination petition (section 3), signed by at least fifty voters in the district.

(c) Listing of candidates. On the day after the last day to file preliminary nomination petitions (subsection (b)), the local election

authority shall post in a conspicuous place in the city or town hall the names and address of all candidates who have received a preliminary nomination, as they will appear on the preliminary election ballot, except for the order of names, which shall be determined by lot for the ballot (chapter 55, section 8(d)(1)) by the local election authority in the presence of the candidates or their authorized representatives.

(d) General nomination. A candidate shall receive a general nomination (section 1) only as follows:

(1) By preliminary election. If the list of candidates for the office (subsection (c)) contains more than twice the number to be elected, by winning the preliminary election. A candidate wins the preliminary election if he is one of twice the number of candidates to be elected who receive the highest numbers of votes at that preliminary election. If there is a tie vote for the lowest place which would win the preliminary election, all the candidates receiving that tie vote also win the preliminary election. If a candidate who won a preliminary election withdraws (section 6), the candidate who received the next highest number of votes also wins the preliminary election; or

(2) By default. If the list of candidates for the office (subsection (c)) contains twice the number to be elected or fewer, by receiving the preliminary nomination (subsection (b)). In this case, no preliminary election for that office shall be held.

## SUBCHAPTER C. CAUCUSES

### Section 13. Caucuses generally.

Caucuses under this subchapter shall nominate candidates for the town general election. In towns with citizens' caucuses, no political or municipal party caucus may nominate candidates for town office. All caucuses are subject to the remainder of the Election Law, as it applies to town primary and preliminary elections, including the provisions concerning objections (section 4), withdrawals (section 5), challenges (chapter 55, section 31), contested elections (chapter 55, section 58,

but for political party caucuses the notice of contest must be filed within three weekdays), recounts (chapter 55, section 56, but for all political party caucuses the petition must be filed within two days of the caucus), preservation of materials (chapter 50, section 5), and penalties (chapter 57).

Section 14. Adoption or rescission.

(a) Citizens' caucus. In towns, the local charter may provide for, or the local legislative body may vote to accept, the holding of "citizens' caucuses" under this subchapter before each town election. After not less than three years, the local legislative body may rescind that action, in town meeting towns at an annual town meeting or a special town meeting held at least sixty days before the annual town meeting.

(b) Political party caucuses, generally. In towns, the local charter may provide that political parties shall hold "political party caucuses" to nominate candidates for the town general election.

(c) Political party caucuses; vote to use official ballots. At the written request of fifty voters who are enrolled in the political party, any town committee shall hold a caucus to determine by ballot whether to use official ballots at its subsequent political party caucuses.

(1) Notice. Notice must be posted at least seven days before the day named and shall be published at least twice in a local newspaper and posted in at least five public places. The notice shall include the purpose, place, day, and time of the caucus.

(2) Polls. The opening of the polls must occur between 6:00 p.m. and 7:30 p.m. Polls must be kept open at least one hour.

(3) Officers. The town committee shall appoint caucus officers.

(4) Rescission. After not less than one year, the town committee may rescind its action in the same way.

(5) Notification. Within ten days of the vote to adopt or to rescind, the secretary of the town committee shall notify:

- (i) the state secretary;
- (ii) the local election authority; and
- (iii) the secretary of the appropriate state committee.

Section 15. Time of holding caucuses.

Every caucus shall be held not later than thirty-one days before the town general election, notwithstanding any contrary law.

(a) Citizens' caucus. Citizens' caucuses shall be called by the local executive, and shall be called to order by the town clerk, who shall preside until the election of a chairman (section 23(a)(1)).

(b) Political party caucuses. The date of political party caucuses may be set by the town committee.

(c) Political party caucuses which do not use official ballots. A political party caucus which does not use official ballots must begin by 8:00 p.m.

(d) Political party caucuses which use official ballots.

(1) All political party caucuses which use official ballots shall be scheduled by the town committee and must be held on the same day in the town, except before a special election, but no two town committees may hold their caucuses on the same day.

(2) The town committee first filing notice of its caucus with the local election authority is entitled to precedence as to the day chosen.

(3) The caucus must begin between 2:00 p.m. and 7:30 p.m.

(e) Special election. Political party caucuses before special elections shall be held at a time and place determined by the town committee and announced by the chairman and secretary of the town committee with reasonable notice



Section 16. Public notice of caucuses.

(a) Posting and printing. All caucuses shall be called at least seven days before the day set for the caucus by a written or printed notice, which shall either be posted in at least five public places in the town and, if possible, in each post office of the town, or be published at least twice in a local newspaper (except for political party caucuses which use official ballots, notice of which shall be published at least twice in a local newspaper).

(b) Contents. The notice shall include:

- (1) the place, day, and time of the caucus;
- (2) the name or office of the person who will call the caucus to order and who will preside until a chairman is chosen; and
- (3) the signatures of:
  - (i) the local election authority, if a citizens' caucus; or
  - (ii) the chairman and secretary of the town committee, if a political party caucus.

Section 17. Nomination petitions for political party caucuses which use official ballots.

In towns where political party caucuses which use official ballots are held:

(a) Availability. Blank forms for nomination petitions for public office and caucus officers shall be supplied by the town and prepared by the local election authority. They shall be delivered only to the chairman or secretary of the town committee.

(b) Contents. Every nomination petition shall contain:

- (1) the place and last day to file;
- (2) printed on the back of the paper, a summary of this subsection and of the provisions of the Election Law concerning contents of nomination petitions (section 3(c)), signatures (section 3(d)), and withdrawals (section 5);

(3) candidate information (section 3(c)(1), (2), and (3)), but no descriptive statement is permitted for caucus officers; and

(4) signatures of at least five voters of the town.

Nothing shall be attached to the petition.

(c) Notice. Public notice of the caucus and nomination petitions shall be issued at least eighteen days before the caucus and shall include:

(1) the day on which the caucus shall be held;

(2) where and when nomination petitions will be issued;

(3) where and the earliest time when nomination petitions may be filed, which shall be not less than twenty-four weekday hours after 3:00 p.m. of the day nomination petitions are issued; and

(4) the last day and hour when they shall be filed.

(d) Filing with town committee.

(1) The petitions must be sealed and filed with the secretary of the town committee at least ten weekdays before the caucus.

(2) The secretary shall write the time of receipt on the petition or container.

(3) The petitions shall remain sealed until the last time for filing; then the secretary shall publicly open and publicly announce the nominations.

(4) If any error, irregularity or informality is found, the secretary shall notify the person who filed the petition, who may correct it within two days after the last time for filing; otherwise the secretary may make the correction.

(e) Filing with local election authority.

(1) The secretary of the town committee must file the petitions with the local election authority before 5:00 p.m. of the seventh day before the caucus.

(2) If any error or informality is found on any petitions, it shall be returned to the secretary of the town committee for correction;

if not corrected and re-filed by 5:00 p.m., of the next day, the petition is void.

(f) Vacancy other than by withdrawal. If no petitions are filed for an office or there is a vacancy other than by withdrawal:

(1) On notification by the secretary, the chairman shall call a meeting of the town committee, which shall make the nominations. Members may sign the petitions if they wish. Two sets of petitions may be filed.

(2) If, after two days after the last day to file (subsection (d)(1)), there is no nomination, the chairman and secretary may file nomination petitions.

(g) Vacancy by withdrawal. If a candidate who has been nominated withdraws (section 5), the secretary shall immediately notify the person who filed that nomination petition, and that person may then submit a new nomination petition signed only by him, before 5:00 p.m. of the day after the last day to withdraw. Otherwise, the chairman and secretary may fill the vacancy (subsection (f)(2)).

#### Section 18. Supplies by town.

(a) Citizens' caucus. At a citizens' caucus, the town shall supply the meeting place and whatever election materials are required by the vote of the local legislative body.

(b) Political party caucuses. At least two weeks before the date of a political party caucus, the chairman or secretary of the town committee shall notify the local legislative body or selectmen that it wishes to hold its caucus on that date. If elections are held by precinct, the caucuses may be held by precinct on request. The local legislative body or selectmen shall, at town expense, furnish a polling place in the town or in each precinct for the use of that party, and notify the town committee of the places provided at least ten days before the caucus.

(c) Political party caucuses which use official ballots. At political party caucuses which use official ballots:

(1) The local legislative body or selectmen shall, at the expense of the town, provide all necessary election materials, including ballots (paragraph (3)), blank nomination petition forms (section 17(a)), and postage for mailing credentials.

(2) The chairman and secretary of the town committee may determine the number of ballots to be provided, not more than one for each voter in the town; if they do not, the local election authority may do so.

(3) On the ballots shall be printed:

- (i) "Official ballot of \_\_\_\_\_ party";
- (ii) the name of the town, and the number of any precinct;
- (iii) the date of the caucus; and
- (iv) a facsimile of the signature of the town committee secretary.

Ballots shall be printed on white paper, except for absentee ballots (chapter 55, section 34(a)). Names of candidates for caucus officers shall be arranged in groups in order of filing. Addresses of all candidates shall be included. A star shall indicate a candidate for re-election.

(4) If twenty-five voters of a town so request in writing, at least twelve days before the caucus of the political party in which they are enrolled, the local legislative body or selectmen shall arrange the polling place for that caucus so that voting may proceed in two or more lines.

(5) A police officer shall be assigned to the caucus.

#### Section 19. Voting lists.

(a) Citizens' caucus. At a citizens' caucus, the registrars shall supply certified copies of the last published voting list, changed according to any changes since its publication in the registered voters file (chapter 52, section 10).



(b) Political party caucuses. At a political party caucus, the voting list (subsection (a)) shall be supplied on request of the town committee or the person designated to call the caucus to order. The party enrollment of each voter shall be indicated.

Section 20. Rules of the caucus.

(a) Citizens' caucus. The local legislative body may determine, within limits provided by law, the day and time of a citizens' caucus, how long the polls shall be open, and whether nominations shall be made separately or partly or wholly on one ballot, and may provide for the preparation and use of ballots.

(b) Political party caucuses. Each town committee may make regulations, consistent with law, for its caucuses and to prevent persons not eligible to vote at the caucus from taking part. Political party caucuses must be called to order at the time specified in the notice.

Section 21. Who may participate in political party caucuses.

(a) Party affiliation. No person who votes in the caucus of one political party shall vote or take part in the caucus of another political party within twelve months. A voter enrolled in one political party is not eligible to vote in the caucus of another political party. A voter may not be prevented from voting in a political party caucus because that voter supported a candidate for public office other than one nominated by a political party.

(b) Voting list. A person whose name is not on the certified voting list may not vote or participate, unless he presents a certificate of error (chapter 55, section 28(c)) to the presiding officer.

(c) Challenges. Whenever a voter at a caucus is challenged (chapter 55, section 31), the presiding officer shall administer the following oath:

"You do solemnly swear (or affirm) that you are a registered voter in this town and have the right to vote in this caucus; that you are a member of this political party and intend to vote for its candidates at the next election; that you have not taken part or voted in the caucus of any other political party for the past twelve months."

The caucus secretary shall record the oath-taking and whether the voter voted, and the record shall be included in the official records of the caucus.

Section 22. Caucus officers.

(a) Citizens' caucus. At a citizens' caucus, the town clerk shall not serve as a caucus officer except to call the caucus to order (section 15(a)).

(b) Political party caucuses. No person may serve as a caucus officer at any political party caucus at which he is a candidate for nomination to an elective office.

(c) Political party caucuses which do not use official ballots. At a political party caucus which does not use official ballots, in the absence of the designated presiding officer, any member of the town committee present may serve as temporary chairman until a chairman is chosen.

(d) Political party caucuses which use official ballots. At a political party caucus which uses official ballots:

(1) A warden, a clerk, and at least five inspectors shall be elected annually. For the first caucus, the town committee shall appoint these officers, at least ten days before.

(2) All officers shall be voters of the town when elected, and members of the appropriate political party.

(3) No person is eligible to serve as warden, clerk, or inspector who is a state, county, or city employee or member of a political party committee.

(4) Every caucus officer shall hold office for one year, beginning with the first day of the month after his election and until his successor is elected.

(5) Before taking on their duties, all caucus officers shall be sworn by the warden, clerk, or justice of the peace, and the swearing-in shall be recorded.

Section 23. Election of caucus officers.

(a) Citizens' caucus. At a citizens' caucus:

(1) The first order of business shall be the election of a chairman, a secretary, and any other officers required.

(2) Any candidate or officer shall be elected by ballot if ten or more voters present submit a written request to the presiding officer by motion or otherwise, at any time before the election for that office.

(b) Political party caucuses which do not use official ballots. At a political party caucus which does not use official ballots:

(1) The first order of business shall be the election by ballot of a chairman, a secretary, and any other officers required.

(2) If there is a tie vote, the caucus officers elected shall fill the vacancy.

(c) Political party caucuses which use official ballots. At a political party caucus which uses official ballots:

(1) A majority of the caucus officers present may fill temporary vacancies and elect additional officers to serve at that caucus only.

(2) Permanent vacancies shall be filled by a majority vote of all the caucus officers.

Section 24. Voting at the caucus.

(a) Citizens' caucus. At a citizens' caucus:

(1) Any candidate shall be elected by ballot if ten or more voters present submit a written request to the presiding officer, by motion or otherwise, at any time before the election for that office.

(2) The two persons receiving the highest number of votes cast for an office shall be declared nominated for that office.

(3) A person receiving less than eight percent of the votes cast shall not be declared nominated, even though there will not then be two candidates for that office.

(4) If two or more persons are to be elected to the same office, those voted for shall be ranked in descending order of votes received, and twice the number to be elected shall be the candidates nominated.

(5) If there is a tie vote, but for which one of the candidates would be declared nominated, all candidates with the tie vote shall be declared nominated, even though the names of more than twice the number of candidates will then appear on the ballot.

(b) Political party caucuses which do not use official ballots. At a political party caucus which does not use official ballots:

(1) Ballots shall be used.

(2) The polls shall be open at least thirty minutes.

(3) If a majority of caucus officers is not elected, or if there is a tie vote for candidates for elective offices, the caucus shall proceed to another ballot, if there is no objection; if there is objection, the caucus shall adjourn to a later day, at the same place and time, if practicable.

(c) Political party caucuses which use official ballots. At a political party caucus which uses official ballots:

(1) Any necessary business may precede or follow voting.

(2) The polls shall close at 8:30 p.m., unless the caucus votes to extend the time. Every voter in line when the polls close shall be allowed to vote.

#### Section 25. Counting ballots at political party caucuses.

At political party caucuses:



(a) Ballots shall not be counted before the polls are declared closed, but immediately afterwards in full view of the voters.

(b) The presiding officer shall announce the results in public.

(c) In public, the secretary shall enter in the record book:

(1) the total number of names checked on the voting list;

(2) the total number of ballots cast;

(3) the names of all persons voted for and the title of the office; and

(4) the number of votes for each person.

Section 26. Sealing the records at political party caucuses.

At political party caucuses:

(a) The clerk shall make a copy of the records, and certify and seal them.

(b) Before the caucus is adjourned and in the presence of the persons who counted the ballots, the clerk shall seal up the ballots cast, the voting list, and a statement of any challenges.

(c) The warden and clerk shall write clearly on the package the name of the political party holding the caucus, its date, and its purpose.

Section 27. Transmittal of records of political party caucuses.

As soon as possible after the ballots have been counted after a political party caucus, all voting materials and records shall be transmitted to the local election authority by:

(a) the secretary of the political party caucus which does not use official ballots, or

(b) the police officer assigned to a caucus which uses official ballots.

Section 28. Local election authority responsibility.

After receipt of the records, the local election authority shall tabulate the votes, determine which candidates have been nominated, notify the successful candidates, and have their names printed on the general election ballot.

Section 29. Certificates of nomination.

(a) Availability. Blank forms for certificates of nomination shall be prepared and furnished by the state secretary to the local election authority for town elections. The state secretary shall not supply the blank forms directly to candidates for town office.

(b) Contents.

(1) Every certificate of nomination shall contain the information required on a nomination petition (section 3(c)).

(2) It shall be signed by the presiding officer and the secretary of the caucus, with their addresses, in the presence of a justice of the peace or notary public.

(3) Provisions for filling vacancies caused by death, withdrawal, or ineligibility may be included.

(c) Filing. Certificates of nomination shall be filed with the local election authority by the secretary of the caucus before 5:00 p.m. of the third day after the caucus and on or before the twenty-eighth day before any town election.

Section 30. Preservation of records.

(a) Citizens' caucus. At the written request of ten voters entitled to vote in a citizens' caucus, the secretary of the caucus shall preserve for three months all ballots cast and voting lists used. They shall be produced on order of a court or other authority of competent jurisdiction.

(b) Political party caucuses. After political party caucuses, the local election authority shall preserve the records for ten days. If, within that time, ten voters eligible to vote at the caucus request in writing that the ballots and voting lists be preserved for three months, they shall be. They shall be produced on order of any court of competent jurisdiction. The provision concerning availability of voting lists (chapter 55, section 50(b)) applies.

Section 31. Certificates after political party caucuses.

Within three week days of adjournment of a political party caucus, the presiding officer and secretary shall present a certificate of election to each caucus officer and a notice of nomination to each candidate for elective office.

## CHAPTER 54. QUESTIONS TO VOTERS.

### SUBCHAPTER A. PLACING QUESTIONS ON BALLOT.

#### Section 1. Amendments to United States constitution.

(a) Opinion of the voters. It is the policy of the commonwealth that the general court should defer action on an amendment to the United States constitution until the question of ratification has been placed before the voters. If a proposed amendment is submitted to the general court (article 5 of the constitution of the United States) and is not ratified at the session at which it is submitted, the question of whether ratification is desirable shall be placed on the ballot (chapter 55, section 11(a)) at the next regular state general election, if one is scheduled before the next regular session of the general court, but otherwise at a special or regular state general election as ordered by the general court. The question of ratification shall be before the voters only once, unless the general court provides otherwise.

(b) Returns of votes. The counting, transmission, and certification of votes shall be in accordance with the law concerning votes at state elections (chapter 55, sections 51 and 52), except that the governor shall communicate to the general court the total yes and no votes and the yes and no votes by state senate and state representative districts.

#### Section 2. Petitions generally.

Petitions under this chapter shall be signed, submitted, and certified like nomination petitions (chapter 53, section 3(d), (f), and (g)), unless this chapter provides otherwise.

#### Section 3. State initiative and referendum.

(a) Constitutional provisions. The constitution includes general provisions for the state initiative and referendum (articles 48, 67, 74, and 81 of the amendments).



(b) Petition forms. Initiative petition forms shall be made available no later than the twenty-first day after the date these petitions are filed with the state secretary by the first ten signers. Referendum petition forms shall be made available no later than the twenty-first day after a summary has been prepared by the attorney general. Registrars shall give a written receipt for each initiative or referendum petition submitted to them, and shall deliver these petitions only on receiving the written receipts. Each initiative and referendum petition shall state the last day and time for submission to the registrars and for filing with the state secretary.

(c) Objections. Objections that signatures on an initiative or referendum petition have been forged or placed on it by fraud and that, as a result, the petition has not been signed by a sufficient number of voters as required by the constitution, may be filed with the state secretary not later than 5:00 p.m. of the thirtieth weekday after the last day to file the petition. The state secretary shall refer the objections to the state ballot law commission, which shall act on them like objections to nominations at state elections (chapter 53, section 4). If the commission sustains the objections it shall immediately reject the petition as not in conformity with the constitution and shall notify the state secretary of its action.

(d) Affidavit. Each initiative or referendum petition filed with the state secretary, other than the petition signed by the ten original signers, shall contain a statement, signed under the penalties of perjury by the person who circulated the petition, that each person whose name appears on the petition signed it in person.

#### Section 4. City initiative and referendum.

This section applies only to cities, and only to the extent that the local charter provides for the initiative or referendum or both, and does not specify other procedures.

(a) Definitions. As used in this section:

(1) "Initiative petition" means a petition which requests the local legislative body to pass a measure, except an order relating to construction of gas and electricity lines (chapter 164, sections 70 and 71) or transmission of power (chapter 166), or which requests the school committee to pass a measure, which is set forth or designated in the petition.

(2) "Measure" means an ordinance, resolution, order, or vote passed by the local legislative body, or a resolution, order, or vote passed by the school committee.

(b) Filing of initiative petitions. Signatures on initiative petitions need not be all on one sheet, but all the sheets for any one measure shall be fastened together and filed in the office of the local election authority as one instrument, including the names and addresses of three persons designated as filing the petition. Within five days after the filing of the petition, the registrars of voters shall ascertain the number of voters who signed the petition and the percentage that number is of the total number of voters. They shall attach to the petition their certificate showing the result of that determination. The local election authority shall immediately transmit their certificate with the petition to the local legislative body or to the school committee, according to whom the petition is addressed, and at the same time shall send a copy of the certificate to one or more of the persons designated on the petition as filing the petition.

(c) Objections to initiative petitions. When the certificate has been transmitted, the petition shall be valid unless a voter of the city files an objection within forty-eight hours after certification with the local legislative body or the school committee, and a copy with the local election authority. A copy of the objection shall immediately be transmitted to the state ballot law commission, which shall hold a public hearing on the objection, render a decision on the matter within fourteen days after the objection was filed, and transmit a copy of its decision to the local legislative body or the school committee.

(d) Passage or submission of initiative measure to voters.

(1) If the petition is signed by fifteen percent of the voters.

If an initiative petition is signed by at least fifteen per cent of the total number of voters, then, within twenty days after the date of the certificate of the registrars to that effect:

(i) the local legislative body or the school committee shall pass the measure without alteration, subject to the referendum vote provided by this section, or

(ii) the local legislative body shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate and shall submit the proposed measure without alteration to the voters at that election; but, if any city general election is scheduled within ninety days after the date of the certificate, the local legislative body may, at its discretion, omit calling the special election and submit the proposed measure to the voters at that election.

(2) If the petition is signed by at least eight but less than fifteen percent of the voters.

If an initiative petition is signed by at least eight per cent but less than fifteen per cent of the total number of voters, and the measure is not passed without alteration within twenty days by the local legislative body or the school committee (paragraph (1)(i)), the proposed measure, without alteration, shall be submitted by the local legislative body to the voters at the next regular city general election.

A measure proposed under this subsection shall become effective if it is approved by one-third of the total number of voters registered in the city and also by a majority of the voters voting on the measure.

(e) Filing of referendum petitions. If, within twenty days after the final passage of any measure, except a revenue loan order, by the local legislative body (or by the school committee), a "referendum petition", signed by at least twelve percent of the voters, addressed to the local legislative body (or to the school committee), and protesting

against the measure or any part of the measure, is filed with the local election authority, the measure or part of it shall be suspended from taking effect. The provisions which apply to signing, filing, and certification of, and objections to, initiative petitions (subsections (b) and (c)) also apply to referendum petitions.

(f) Reconsideration or submission to referendum of voters. The local legislative body (or school committee) shall then immediately reconsider the measure or part of it. If, on reconsideration, the measure or part of it is not entirely rescinded, the local legislative body shall submit it to the voters, either at the next regular city general election, or at a special city election which it may call for the purpose. The measure or part of it shall immediately become ineffective unless a majority of the voters voting on it at that election vote in favor of it.

(g) Contents of ballot. The ballots used when voting on a proposed measure (subsection (d)) or a measure or part of a measure protested against (subsection (f)) shall state the nature of the measure in terms sufficient to show its substance.

(h) Alternative submission by local legislative body. The local legislative body may, on its own motion, and shall, on request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to the voters for adoption or rejection at a regular or special city general election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same way and with the same effect as if submitted by petition.

(i) Measures with conflicting provisions. If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of yes votes shall take effect.



Section 5. State public policy questions .

(a) Filing. The state secretary shall make public policy petition forms available for use on or before the twelfth Tuesday before the last day to file. Petitions shall be filed with the state secretary not later than the sixtieth day before the election at which the questions are to appear. A petition to place a public policy question on a state general election ballot requires the signatures of twelve hundred voters in any state senatorial district or two hundred voters in any state representative district. The petition shall ask the voters of that district to instruct the senator or representative from that district on an issue of public policy. The petition shall state the substance of the question.

(b) Ballot placement. The attorney general shall, on request of the state secretary, determine whether or not the question is one of public policy. If the question is determined to be one of public policy, the state secretary and the attorney general shall draft it in simple, unequivocal, and adequate form for presentation on the ballot. Not more than three public policy questions shall be placed on the ballot at one election in any district, and they shall be submitted in the order in which the petitions are filed. Substantially the same question shall not be submitted again in less than three years. If the petition meets the requirements of this section, the state secretary shall place the question on the ballot in that senatorial or representative district at the next regular state general election.

(c) Effect. A vote under this section shall be regarded as an instruction (article 19 of the declaration of rights of the constitution) if the question receives a majority of all the votes cast at that election.

Section 6. Local public policy questions.

(a) Placement on ballot by local legislative body. A nonbinding public opinion advisory question may be placed on the ballot at a regular city or town general election in any city or town by vote of the local legislative body or selectmen.

(b) Petition of voters for placement on ballot. A proposal to place a nonbinding public opinion advisory question on the ballot at a regular city or town general election in any city or town may be presented to its local legislative body or selectmen by a petition signed by at least ten voters of the city or town. If that body does not approve the petition at least ninety days before the election, then the question may be placed on the ballot by a petition signed by at least ten per cent of the voters of the city or town, but not less than twenty such voters, and submitted to the registrars, who shall certify the signatures within seven days after receipt of the petition. On certification of the signatures, the local election authority shall have the question placed on the ballot at the next regular city or town general election held more than thirty days after certification.

(c) Applicability. This section applies in any city or town where the local charter does not establish other procedures.

Section 7. Local acceptance of general laws.

Whenever any provision of the General Laws is to be submitted for acceptance to the voters of a city or town, a fair, concise summary of the contents and purpose of the law shall be prepared by the city solicitor or town counsel, for placement on the ballot, unless the act establishing the provision provides otherwise. The final date for notifying, or filing a petition with, the local election authority or the state secretary to place such a question on the ballot shall be, if no final date is otherwise provided, thirty-five days before the regular city or town general election or sixty days before the regular state general election.

SUBCHAPTER B. INFORMATION FOR VOTERS

Section 8. Voter information for state elections.

(a) Furnished by state secretary. The state secretary shall have printed and sent to each voter in the commonwealth the following:

(1) the full text of every measure to be submitted to the people under the constitution (article 48 of the amendments),

(2) a copy of the legislative committee's majority and minority reports, if any, including the names of the majority and minority members,

(3) a statement of the votes of the general court on the measure,

(4) a fair, concise summary of the measure prepared by the attorney general, as the summary will appear on the ballot,

(5) arguments for and against measures to be submitted to the people if the arguments are filed (subsection (b)), (all of the above as provided in article 48 of the amendments to the constitution), and

(6) any question to voters placed on the ballot at a regular state general election by special law for the purpose of ascertaining the will of the people on a particular subject, together with a brief statement of information concerning the question prepared by the attorney general. This provision does not apply to a public policy question (section 5).

(b) Filing arguments. A majority of the first ten signers of an initiative or referendum petition may prepare and file with the state secretary a written argument containing not more than five hundred words. In the case of a law, or proposed law, the argument must be filed not later than ten days after the petition is completed and filed with the state secretary. In the case of a constitutional amendment, the argument must be filed not later than ten days after final legislative action and certification to the secretary. If the written argument is filed with the state secretary, he shall have a voter of the commonwealth prepare and file with him, within whatever time period he designates, a contrary written argument of the same maximum length.

#### Section 9. Voter information for city elections.

(a) Furnished by local election authority. Whenever any measure or proposed measure submitted to the voters of a city is to be placed on the ballot at any election, the local election authority, except as this

section provides otherwise (subsections (b) and (d)), shall send to each voter in the city a copy of it with the statement that the measure is to be voted on at that election.

(b) Summary substituted for text. By vote of the local legislative body, a fair, concise summary of the measure or proposed measure may be substituted for a copy of the measure. The summary shall be prepared by the city solicitor and approved by the local legislative body.

(c) Time for sending to voters. These copies or summaries shall be sent not less than seven and not more than twenty-one days before the election at which the measure is to be voted on.

(d) Suspension of this section. By vote of the local legislative body, this section may be suspended and made inapplicable to a particular measure or proposed measure.



## CHAPTER 55. CONDUCT OF ELECTIONS.

### SUBCHAPTER A. PREPARATIONS FOR ELECTIONS.

#### Section 1. Voting equipment approval.

(a) Approval required. No ballot box, voting machine, or electronic voting system shall be used in any election unless it has been approved under this section. It is the responsibility of local election authorities, under the direction of the state secretary, to make certain that voting equipment conforms to the approved specifications before using it in any election.

(b) Approval of voting machines and ballot boxes by state ballot law commission. The state ballot law commission (chapter 50, section 12(a)) shall examine voting machines and ballot boxes and file with the state secretary its written approval of all such equipment which, in its judgment, conforms to the requirements of law (sections 2 and 3). The commission may employ for this examination as many as three expert machinists at a cost not over ten dollars a day each for each day employed, to be paid from the appropriation for the expenses of the commission. The commission shall file with the state secretary written or printed descriptions, drawings, specifications, and photographs of the approved voting machines. The state secretary shall send a copy of the commission's report to the local election authority of each city and town. If any machine or ballot box approved by the commission ceases to conform to the requirements of law in the judgment of the commission at any later time because of the enactment of further requirements, the commission shall so notify the state secretary. The state secretary shall immediately send a copy of that notice to the local election authority of each city and town. No such equipment shall be used in any election until the commission examines it, judges that it conforms to legal requirements, and approves its use under this subsection.

(c) Approval of electronic voting systems by state secretary.

The state secretary is responsible for the approval of any system of casting or computing ballots which employs electrical or electronic tabulating equipment or data processing equipment or which employs special marking inks or punch card devices in the marking of ballots ("electronic voting system"). The state secretary may, for the purpose of assisting in the evaluation of a system, approve its use in any city or town. Before that approval, specimens and plans of any marking devices or equipment and minimum specifications of tabulation equipment utilized by that system shall be filed with the secretary by the manufacturers or distributors of the devices and equipment.

(d) Regulations for voting equipment. The state ballot law commission shall make regulations for the use of the voting machines and ballot boxes approved by it, and the state secretary shall make regulations for the use of any electronic voting system approved by him.

Section 2. Criteria for approval of voting equipment.

(a) Ballot boxes. Ballot boxes shall have sufficient locks and keys or seal fastenings and shall contain mechanical devices for receiving, registering, and cancelling every ballot deposited in them, but no ballot box shall record any distinguishing number or mark on a ballot.

(b) Voting machines.

(1) Voting machines shall furnish convenient, simple, and satisfactory means of voting at elections and of ascertaining and recording the results with facility and accuracy. Special regard must be given to the prevention and detection of double voting and of voting for candidates of more than one political party at a primary election. No machine shall be approved unless it gives the voter as much secrecy in voting as is afforded by the use of paper ballots.

(2) Voting machines shall be provided with convenient spaces where the name of a person may be written in or a sticker affixed by a

voter to vote for a person whose name is not printed on the ballot label (section 30). Machines shall be suitably lighted so that the voter will be able to read easily the titles of the offices, the names of the candidates, and the questions to voters. They shall be equipped with proper locks or devices to prevent any operation of the machine before or after the voting, and with the following counters or indicators:

(i) "Public counter": the counter or other device that registers each time the machine is operated during the election and shows the number of persons who have voted on that machine.

(ii) "Protective counter": the counter or other device which registers the total number of times the machine has been operated.

(iii) "Vote counters": the counters which numerically register the votes cast for candidates and on questions to voters.

(iv) "Vote indicators": the pointers or other devices on which are registered the votes for candidates or on questions to voters.

(3) All voting machines used in primary elections shall be equipped so that election officers can adjust the machines to prevent voters from voting for candidates of any party in which they are not enrolled.

(c) Electronic voting systems. Electronic voting systems shall furnish convenient and simple means of voting at elections and of ascertaining and recording the results with facility and accuracy. Special regard must be given to the prevention and detection of double voting and of voting for candidates of more than one political party at a primary election. No system shall be approved unless it gives the voter as much secrecy in voting as is afforded by the use of paper ballots.

### Section 3. Provision and choice of voting equipment.

(a) Ballot boxes. The state secretary shall, at the expense of the commonwealth, provide every city and town for use at every precinct a ballot box approved by the state ballot law commission (section 1). If a ballot box becomes defective or is lost or destroyed, the state

secretary, on application by the local election authority, shall provide another ballot box at the expense of the city or town. As used in this chapter, the phrase "where ballot boxes are used", or the like, refers to a precinct where votes are cast by paper ballot or electronic voting system and (to the extent applicable to paper ballots cast by absentee voters (subchapter C), challenged voters (section 31), or in case of machine failure (section 29(c))), to the use of ballot boxes in precincts where voting machines are used.

(b) Voting machines and electronic voting systems. A city or town may, by vote of the local legislative body or selectmen, at a meeting held at least ninety days before a state election and at least sixty days before a city or town election, decide to purchase, lease, or lease with an option to purchase, approved voting machines or electronic voting systems (section 1). That voting equipment shall be used in all subsequent elections until otherwise ordered by vote of that body. The state secretary shall be notified of the vote to use or discontinue the use of voting equipment within five days. No vote to discontinue use shall take effect for a state election unless it is sixty days before that election, or for a city or town election unless it is thirty days before that election.

(c) Number of machines or marking units. In a precinct where voting machines are used, one machine shall be provided for every four hundred voters, or major fraction of that number, registered to vote there. Where an electronic voting system is used which requires marking units, at least one unit shall be provided for every one hundred voters. At state primary elections, separate voting machines or marking units may be used for each political party. The local election authority shall determine the number of machines or units for each party at each precinct and shall notify the state secretary of that determination at least ninety days before the date of the primary election.



(d) Bonding. When voting equipment is leased or purchased by a city or town, or in the case of ballot boxes by the commonwealth, bonds shall be given to the local election authority, or the state secretary in the case of ballot boxes, by the manufacturer or distributor. Bonds shall be given with sufficient sureties to keep the equipment in working order for at least two years and to defend and indemnify the purchaser or lessee against any civil action and for any expense, damage, or inconvenience because of infringement of patents or other rights arising from the purchase, lease, or use of the equipment.

(e) Care of voting equipment. The local election authority shall provide a place for the safe keeping of the voting equipment used in that city or town and see that it is kept in good order and repair. The custody, care, and repair of the voting equipment shall be at the expense of the city or town but shall be subject to the supervision and control of the state secretary, who may, at the expense of the commonwealth, cause necessary improvements to be made in conformity with law (section 1 (b) and (c)).

#### Section 4. Provision of ballots.

State election ballots shall be prepared and furnished by the state secretary, and city and town election ballots by the local election authority. Data processing cards and envelopes for them for all elections shall be furnished by the local election authority. Absentee ballots, absentee ballots to be used as challenged ballots or in case of machine failure, and specimen ballots shall be prepared and furnished by the same official responsible for the ballots. If ballots provided by the state secretary are not delivered or are lost, destroyed, or stolen, the local election authority shall have ballots as similar as possible prepared for the election. These substitute ballots shall be accompanied by a sworn statement by the local election authority as to their preparation, their transmittal, and the reason for their substitution.

Section 5. Number of ballots.

One ballot shall be provided for each voter in each precinct at a general election. The state secretary or local election authority, depending on whether it is a state or local election, may provide additional ballots for any precinct if necessary. The number of ballots provided for state primary elections shall be determined by the state secretary and for city and town primary elections by the local election authority. The number of ballots provided for a city or town primary election shall not exceed one of each party for each voter in any ward or town. Where voting machines or electronic voting systems are used, at least three sets of ballot labels shall be provided for each machine and at least two sets for each marking unit. One data processing card and envelope for it shall be provided for each voter in each precinct. Absentee ballots shall be provided for voting machine precincts, to be used as challenged ballots (section 31) or if all the machines at a polling place fail during the election (section 29 (c)).

Section 6. Ballot specifications.

(a) Color and size of paper. Paper ballots, except for primary elections, shall be printed on white paper and folded so as to measure between four and one half and five inches in width and between six and thirteen and one half inches in length. For primary elections, ballots of each party shall be printed on paper of a different color.

(b) Type size. The names of candidates shall be printed in black ink in columns, one column within each width when folded. Names shall be in capital letters between one-eighth and one-quarter inch in height, except that surnames and political designations of candidates for president and vice-president and names of candidates for United States senator shall be in capital letters at least three-sixteenths of an inch in height.

(c) Information and directions. On the ballot shall be printed the information that it is an official ballot, the kind of election, the party if

the election is a primary election, the name of the city or town, the precincts in which it is to be used, the date of the election, and a facsimile of the signature of the official who had the ballot prepared. On paper ballots, at the right of each candidate, each group of candidates when voting for a group is permitted or required, and each question, spaces shall be provided in which the voter may place an "X" to indicate choices. Ballot labels for voting machines and electronic voting systems shall be printed with similar provisions for the voters to indicate their choices. Directions to aid the voters in indicating their choices shall be provided, including the number of persons the voter may vote for for each office. If that number is two or more, the instruction shall be "Vote for not more than \_\_\_\_\_".

(d) Arrangement of offices and questions.

(1) At state elections at which any of the following offices are to be voted for, these offices shall appear on paper ballots and on ballot labels for voting machines and electronic voting systems in the following order: electors of president and vice-president, United States senator, governor and lieutenant governor (as a pair at a general election), attorney general, state secretary, state treasurer, state auditor, representative in congress, governor's councillor, state senator, and state representative. All other offices to be voted for shall follow in whatever order the state secretary determines. Questions to be voted on shall follow all offices in whatever order the state secretary determines except that questions under the constitution shall precede other questions (section 11(b)).

(2) On ballot labels on voting machines used at state elections, the names of candidates for United States senator and names of candidates for governor shall be separated by a space at least an inch in width when the candidates are listed in horizontal rows or an inch in depth when candidates are listed in vertical columns.

(3) On paper ballots and ballot labels for electronic voting systems at state elections, the first column or page shall include candidates for the following offices:

(i) At presidential elections, presidential electors and United States senator, if any.

(ii) At other state elections, United States senator, if any, and governor and lieutenant governor (as a pair at a general election).

The candidates for attorney general shall appear at the top of the second column or page.

(4) At the presidential primary election, candidates for president shall appear on the ballot first, followed by the candidates for state committee and then for ward or town committee.

(5) At city elections, candidates for terms of different length in the same office shall be arranged in groups according to the length of the terms, and candidates nominated by single wards but to be voted for at large shall be arranged in groups by wards.

#### Section 7. Candidates' names and addresses on ballots.

Ballots for each precinct shall contain the full names as registered of all duly nominated candidates and no other names (chapter 53, section 1), their addresses including street and number, if any, and the name of the city or town except as follows:

(a) If a vacancy occurs in a nomination by reason of death or ineligibility, the name of the candidate nominated to fill that vacancy shall, if the ballots have not been printed, be placed on them. If the ballots have been printed, ballots containing the new nomination shall, when practical, be used instead.

(b) At presidential elections, the names of candidates for president and vice-president as a pair (chapter 53, section 10(c)), not their electors, shall be placed on the election ballots. The surnames and no addresses shall be printed, one line for each candidate pair, under the designation "Electors of president and vice-president."

(c) Only the surnames, and no addresses, of candidates for governor and lieutenant governor as a pair shall be placed on state general election ballots.



(d) At presidential primary elections, names of presidential candidates shall be placed on the ballot (chapter 53, section 10(a)). No addresses of presidential candidates shall be included.

(e) The name of the city or town shall not be included for ward or town committee candidates on presidential primary election ballots or for candidates on city or town election ballots.

(f) At city elections, for the office of alderman at large, the candidate's address shall include the number of the ward in which he lives.

Section 8. Order of names of candidates.

(a) Generally.

(1) The order of names of candidates shall be the same on paper ballots and on ballot labels for voting machines and electronic voting systems. Candidates' names shall be printed for voting machines in horizontal rows or vertical columns under or opposite the titles of the offices according to the type of mechanical safeguard against over-voting used in that kind of machine.

(2) No name shall appear on the ballot more than once for the same office, nor more than once for an office when a full term and a partial term running concurrently are to be filled.

(3) Names of candidates shall be in alphabetical order according to surnames except when this section requires that incumbents' names precede others (subsection (b)), that party nominees precede other candidates (subsection (c)), or that order be determined by lot (subsection (d)). At elections at which electors for president and vice-president as a pair, or governor and lieutenant governor as a pair, are to be voted for, alphabetical order is according to the surnames of the candidates for president and for governor.

(b) Names of incumbents. As used in this chapter, "elected incumbent" means an officer who is a candidate for the same office and who was elected to that office at the last general election for that office; the term includes a candidate in a district which contains any

part of the district from which he was elected at the last election. Names of incumbents shall precede those of other candidates as follows:

(1) At state primary elections, names of elected incumbents, or incumbents chosen by the senate and house of representatives, or appointed by the governor, or appointed by the justices of the supreme judicial or superior court, or appointed by the county commissioners, or appointed by the county commissioners and the clerk of courts for a county, shall be placed first (and in alphabetical order, if there is more than one incumbent), and names of other candidates shall follow in alphabetical order.

(2) At presidential primary elections, names of candidates for state committee who are either elected or appointed incumbents shall be placed first (and in alphabetical order, if there is more than one incumbent), and names of other candidates for that office shall follow in alphabetical order.

(3) At state general elections, names of elected incumbents shall be placed first, in alphabetical order. This includes a pair of candidates for governor and lieutenant governor (section 7(c)) which contains a candidate for governor who is an elected incumbent.

(4) At city and town elections, unless the local charter provides otherwise (and except at a preliminary election, unless the local charter provides otherwise (subsection (d)(1)(ii))), names of elected incumbents, or incumbents chosen by the local legislative body of a city or jointly by that body and the school committee of the city, shall be placed first in alphabetical order, followed by the names of the other candidates in alphabetical order.

(c) Names of party nominees. Political party nominees shall precede other candidates on general election ballots in alphabetical order, except for incumbents (subsection (b)(3) and (4)) and except where positions are determined by lot (subsection (d)).

(d) By lot. Ballot position of candidates is determined by lot as follows:

(1) Candidates' names on a city or town election ballot shall be placed in an order determined by lot:

(i) if the local charter so provides, or

(ii) at a preliminary election, unless the local charter provides otherwise.

(2) At presidential primary elections, names of candidates for president (chapter 53, section 10(a)) shall be placed in an order determined by lot under the direction of the state secretary. Groups of names of candidates for ward and town committee, which contain names for all the places to be filled, shall also be placed in an order determined by lot under the direction of the state secretary, who shall notify each state committee and give its representative an opportunity to be present. Groups of names of candidates on nomination papers which contain fewer names than all the places to be filled shall follow, alphabetically arranged according to the surname of the first person in each such group. The order of names within each group shall be the same as on the nomination paper. When necessary, groups may be printed in two or more columns, but only one heading designating the number of incumbents to be elected to the ward or town committee shall be printed.

#### Section 9. Statements on ballots.

Next to the names and addresses of candidates (section 7), statements shall be printed on the ballot as follows:

(a) Primary and preliminary elections: The descriptive statement which was on the nomination petition (chapter 53, section 3(c)(3)) shall be printed on the ballot unless, as to city or town primary or preliminary elections, the local charter provides otherwise.

(b) General elections: The words "Candidate for Re-election" shall be added for any elected incumbent, except for governor and lieutenant governor.

(1) State general elections, and city or town general following city or town primary elections: The political party or designation which was on the nomination papers (chapter 53, section 3(c)(1) (v)) shall be printed on the ballot. If a candidate was nominated by more than one party, he may direct the state secretary for state elections, and the local election authority for city and town elections, in what order to place the party names on the ballot. If no such direction is received by the sixth day following state primary elections or the third day following city or town primary elections, the order shall be determined by the state secretary for state elections and the local election authority for city and town elections.

(2) Town general elections following party caucuses: The same procedure shall be followed as for elections following primary elections (paragraph (1)), except that caucuses take the place of primary elections, and except as local charters provide otherwise.

(3) Other city or town general elections: No statement of party or political designation may be printed on the ballot. If a town has a citizens' caucus before the election, the words "Caucus Nominee" shall be added for candidates so nominated.

#### Section 10. Blank spaces on ballots.

Except as this section provides otherwise (subsections (a) to (d)), on paper ballots and electronic voting system ballots where no envelope is used, spaces for write-in or sticker votes equal to the number of candidates to be voted for shall be provided following the names of candidates for that office printed on the ballot. Voting machines and electronic voting systems shall provide the same opportunity for voters.

(a) State primary elections (except for candidates for president):

On paper ballots, blank spaces for write-in votes shall be provided only where there are fewer names than candidates to be voted for and only equal in number to the deficiency.



(b) Presidential primary elections; candidates for president: Following the names of candidates for president, there shall be two spaces, one for a write-in vote and one labeled "no preference".

(c) Presidential elections: Following the printed names, a blank space shall be provided for voters to write in the names of the president and vice-president candidate pairs for whom slates of electors have been filed with the state secretary (chapter 53, section 10(c)(3)).

(d) City primary or preliminary elections: Provision of blank spaces may be determined by the local charter.

Section 11. Questions to voters.

(a) Amendments to United States constitution. When a proposed amendment to the United States constitution (chapter 54, section 1) is to be placed on the ballot, the form of the question shall be, "Is it desirable that the proposed amendment to the constitution of the United States (describing the amendment) be ratified by the general court?"

(b) Questions under state constitution. Questions to voters under the constitution (article 48 of the amendments) shall precede any other questions on the ballot and shall be designated by consecutive numbers printed on the ballot.

(c) Other questions. Additional questions to voters shall follow those under the constitution and shall be numbered by additional consecutive numbers. Questions on the sale of alcoholic beverages (chapter 138, section 11) shall be numbered as a single question with three parts. Questions on pari-mutual betting (chapter 128A, section 14) shall be numbered as a single question with two parts. Public policy questions shall include the statement, "This question is not binding." When a provision of the General Laws is submitted to the voters of a city or town for local acceptance, the question shall have the following form on the ballot:

"Shall _____ (city or town)	_____
accept the provisions of section	Yes _____
_____ (section number) of	
chapter _____ (chapter number)	No _____
of the General Laws, a fair and	
concise summary of which appears	_____
below?"	

The summary prepared by the city solicitor or town counsel (chapter 54, section 7) shall follow.

(d) Need for additional ballot. If there is not enough room on voting machines to include questions to voters under the constitution, the state secretary shall have these questions printed on separate paper ballots, one ballot for each voter (section 5). Each voter shall be given one of these ballots, as he prepares to vote on a machine, and shall deposit it in a ballot box.

Section 12. Supplies to be provided.

The state secretary for state elections and the local election authority for city and town elections shall provide ballots, absentee ballots (subchapter C), specimen ballots, instruction and penalty cards, and other forms and material as follows:

(a) Delivery of ballots. Ballots shall be enclosed in packages, sealed, and marked with the number of ballots of each kind enclosed. In another package shall be enclosed specimen ballots, instructions for voters cards, cards containing abstracts of laws imposing penalties on voters, and information for voters booklets containing material about questions to voters, if any (chapter 54). Both these packages shall be wrapped together for each precinct and marked on the outside to indicate the contents and the precinct for which it is intended. The state secretary shall deliver these ballots packages at least twelve hours before state elections to local election authorities, which shall return receipts for them to the secretary. The state secretary for state elections and the local election authority for city and town elections shall keep records of the number of ballots printed and delivered to

each precinct, and the time when and manner in which ballot packages were sent and received, and shall preserve these records for one year.

(b) Specimen ballots.

(1) Form and number. At general elections, ten or more specimen ballots for each precinct shall be provided, which shall be facsimiles of ballots for voting but printed without endorsements and on colored paper. They shall be substantially in the form of the official ballots and contain the names, addresses, and descriptive statements of candidates and the questions to voters which will appear on the ballot. In voting machine precincts, specimens shall be facsimiles of the face of the machine as it will appear. In electronic voting system precincts, specimens shall be facsimiles of the ballot labels contained in the marking units, printed on one sheet. At primary elections, at least six such facsimiles for each party, printed on colored paper, shall be provided.

(2) Time of delivery and posting. For state elections, specimen ballots shall be delivered at least five days before elections to the local election authority, which shall post them in at least three public places in each ward of a city and each precinct of a town. At city elections, specimens shall be posted in each precinct at least four days before the election. At town elections, specimens shall be posted in one or more public places at least four days before the election.

(3) Demonstration voting machines. In cities and towns using voting machines, the local election authority shall put on public display, before every election, one or more machines for the instruction of voters. These machines shall be equipped with ballot labels as similar as possible to those for that election as to titles of offices, names of candidates, and forms of questions.

(c) Instruction and penalty cards. At least three cards shall be provided for each precinct with full instructions for voters, printed in large clear type, explaining the voting procedure for the equipment used in that precinct. Instructions for casting a write-in or sticker

vote shall be included. For ballot box precincts, instructions for obtaining ballots, marking them, obtaining assistance, and obtaining substitute ballots in place of those accidentally spoiled shall be included. At least three cards shall also be provided for each precinct with abstracts of laws imposing penalties on voters for violation of election laws.

(d) Other forms. The state secretary shall provide each local election authority with suitable blank forms and envelopes for all certificates, copies of records, and returns required to be sent to his office, with whatever directions are needed, and other blank forms, suggestions, and instructions to assist election officers in performing their duties. The clerks of courts of each county shall provide suitable material for information required to be sent to the county commissioners and boards of examiners.

(e) Newspaper advertisements. Before every state election, the state secretary shall have published a list of all candidates to be voted for in each senatorial district, except that in Suffolk county the publication shall be of all candidates to be voted for there. He shall also publish with these lists any question to voters. Before every city election, the local election authority shall have published a list of all candidates to be voted for in the city and any question to voters at that election. These lists and questions shall in all cases be as similar as possible in form to that in which they are to appear on the ballot, and for state elections shall be printed in at least four newspapers, if there are that many, published in English in each senatorial district or Suffolk county. This publication shall, as far as practical, be in newspapers representing the two leading political parties, and at whatever reasonable cost the secretary determines. For city elections, the publication shall be made in at least two newspapers representing the two leading political parties, if there are that many in the city, devoted wholly or chiefly to the publication of local or general news.



Section 13. Calling of elections.

(a) Time and manner. Regular general elections shall be called at least seven days before the election. State and city elections in cities shall be called by the local legislative body. Under its direction, the local election authority shall have notices of these elections conspicuously posted in its office and printed in one or more newspapers published in that city, but two or more daily newspapers in Boston. These notices shall take the place of notices or warrants for elections required in any city by special law. State and town elections shall be called in towns as provided in the town government law (chapter 39, section 10).

(b) Contents. Notices or warrants for state, city, and town elections shall specify all the offices to be voted for and, in the form in which it will appear on the ballot, any question to voters which will be on the ballot. They shall specify the time when the polls will be opened and closed (section 22).

Section 14. Selection and notice of polling places.

(a) Selection. The local legislative body or selectmen, unless the local charter provides otherwise, shall select polling places for each precinct, at least twenty days before regular elections and at least ten days before special elections, and have them suitably prepared. Each polling place shall be in a public, orderly, and convenient location in the precinct. But:

(1) In a city, if no suitable place can be found, the local legislative body may select a place in an adjacent precinct.

(2) In a town, if no suitable place can be found or if the local legislative body or selectmen conclude that public convenience would better be served, they may designate a polling place in another precinct or may choose to have all precincts use the same polling place. Alcoholic beverages shall not be sold in any portion of a building designated as a polling place during voting hours or while ballots are being counted there.

(b) Notice. After the polling places have been selected the local election authority shall post a notice of the location of the polling places in at least five public places in each precinct of a city and at least

three public places in each precinct of a town. If a polling place is changed, the local election authority shall post notices in public places and notify by mail each voter in the affected precinct of the new location.

Section 15. Preparation of polling place before election day.

The local election authority shall provide each polling place with suitable marking shelves or compartments for voters to vote conveniently and secretly. For paper ballot precincts, one such compartment must be provided for every seventy-five voters, but at least of five in each precinct of a city and at least three in each precinct of a town. In precincts using voting machines or an electronic voting system, at least one such compartment must be provided for challenged voters. A guard rail shall be placed to keep those outside of it at least six feet away from marking shelves, compartments, voting machines, marking units, and ballot boxes, all of which, however, shall be in public view.

Section 16. Appointment of voting machine custodians.

In cities and towns using voting machines, the local election authority shall appoint in writing one or more voting machine custodians to assist in the preparation and upkeep of voting machines and to instruct election officers in their use under the supervision of the local election authority. No person may be appointed who is an election officer or who is a candidate in a precinct in which he works on machines before or during the election. The local election authority shall have the voting machines installed in the polling places before the polls open on election day.

Section 17. Delivery of supplies to the polling places.

(a) Generally. The local election authority shall deliver to the election officers at each polling place the following supplies on election day before the polls open: ballots, instruction and penalty cards, ballot box, voting lists, blank forms and envelopes needed, clerk's record book, red pencils, black pencils without erasers, rulers, signs,

tags, seals, boxes, change of enrollment cards at primary elections, voting authority certificates in voting machine precincts (subsection (c)), styluses or other marking implements for electronic voting systems, envelopes for data processing cards for these systems, information for voters booklets regarding questions to voters (if any), demonstration machines or marking units for precincts using these systems, and any other material required or useful to election officers. The presiding officer shall give a receipt to the local election authority, including the number of ballots received, which shall be kept for one year in the office of the local election authority.

(b) Seals. The local election authority shall provide the clerk at each precinct with suitable seals to seal securely envelopes and containers required to be used at elections.

(c) Voting authority certificates. The local election authority shall supply each voting machine precinct with one voting authority certificate for each voter at each of these precincts. The certificate shall be in a form approved by the state secretary and substantially as in Appendix A. The certificate shall be in a form which can be inserted by the election officer in a suitable container provided by the local election authority.

#### Section 18. Preparation of polling place on election day.

(a) Posting of information. The presiding officer at each precinct shall post the following:

(1) Specimen ballots. At least five specimen ballots within the polling place outside the guard rail for general elections, and at least six of each party in primary elections, of which two may be posted on the outside of voting booths. All specimen ballots not posted shall be kept in the custody of the presiding officer until the polls close.

(2) Questions to voters. At least three copies of questions to voters within the polling place outside the guard rail and one in each marking compartment.

(3) Instructions for voters cards and penalty cards. At least three instructions for voters cards and penalty cards within the polling place outside the guard rail.

(b) Demonstration voting devices.

(1) At each precinct where voting machines are used, a mechanical model of the machine suitable for instructing and illustrating to voters how to use the machine shall be placed outside the guard rail.

(2) At each precinct where an electronic voting system is used, one or more marking units properly equipped for voting shall be placed outside the guard rail, and an election-day officer shall be assigned to instruct in its use voters waiting to vote.

(c) Checking supplies and equipment. Before the polls open, supplies shall be carefully checked to make sure that voting lists, forms, and other material are present, proper, and in sufficient quantity. The presiding officer shall check paper ballots to make certain that they are the correct ballots for that precinct. In voting machine precincts, ballot labels shall be checked in the same way. Where electronic voting systems are used, marking units shall be examined by the presiding officer, accompanied by a majority of the election-day officers, to be sure they are properly equipped and in place. Pencils without erasers shall be provided in each marking compartment and also for each marking unit and voting machine booth for write-in votes. Signs shall be posted outside the polling place designating the precinct, and a no smoking sign shall be posted inside the polling place.

Section 19. United States flag.

In any city or town which accepts this section by vote of its local legislative body or selectmen, the national flag shall be displayed at each polling place during the time when the polls are open.



Section 20. Tabulation center.

(a) Designation of tabulation center. In cities or towns using voting systems which require tabulation by a computer or other counting device, the local election authority, at least one week before the election, shall designate a tabulation center, within or outside the city or town, for counting the votes.

(b) Preparation and testing of the program. The local election authority shall ensure that a suitably skilled technician prepares a program for counting the votes. The program shall be ready at least four days before the election. The local election authority shall have a set of cards or ballots perforated or marked to test the program adequately, to demonstrate the rejection of over-votes, and to test any other contents of the program which may, in its opinion, have a bearing on the accuracy of the count made by the computer or counting device.

(c) Appointment of persons for tabulation center. Election-day officers shall be appointed for the tabulation center (chapter 50, section 10), and shall include a warden, deputy warden, clerk, deputy clerk, and at least six inspectors with a deputy for each. The warden shall be the presiding officer at the tabulation center and shall assign the inspectors to duties to insure an accurate and complete tabulation of the ballots under rules and regulations for the operation of tabulation centers adopted by the state secretary. The chairman of each political party committee in the city or town may appoint in writing a qualified computer expert to observe the counting of ballots at the tabulation center. These observers shall be assigned by the presiding officer to positions in the center which will enable them to observe all operations.

## SUBCHAPTER B. ELECTION PROCEDURE.

### Section 21. Enforcing order.

On election day, the election-day officers for every precinct shall perform their duties under the supervision of the local election authority. The presiding officer at each polling place shall enforce the performance by election-day officers of their duties. During an election and the counting of votes, the presiding officer shall have authority to maintain order and enforce obedience to his lawful commands in and around the polling place, and to keep the access to it open and unobstructed. He may direct any police officer or other person to communicate his orders and directions and to assist in their enforcement. The officer in charge of the city or town police shall detail a sufficient number of police officers for every polling place to preserve order, to protect the election-day officers from any interference with their duties, and to aid in enforcing the Election Law.

### Section 22. Hours polls open.

Subject to this section, the local legislative body or selectmen shall decide what hours the polls shall be open. The polls shall be open at least ten hours at state and city elections, and at least four hours at town elections. The polls at state elections shall close at 8:00 p.m. At all elections, the polls shall open no earlier than 5:45 a.m. and, at town elections, no later than 12:00 noon.

### Section 23. Ballot boxes.

This section applies where ballot boxes are used.

(a) Procedure while polls open. At the opening of the polls, the presiding officer shall publicly open the packages containing the ballots and deliver them to the two inspectors, of different political parties, assigned by the presiding officer to act as ballot clerks. Before any ballots are cast, the election-day officers shall publicly open the ballot box, ascertain by personal examination and publicly show that it is

empty, and then immediately lock or fasten it. The clerk shall then record the condition of the ballot box register. Any key shall be kept by the police officer. After the ballot box is shown to be empty, it shall not be removed from public view until all ballots have been removed and the box has been relocked or sealed. The ballot box shall not be opened, or any ballot removed, until the polls are closed (except as provided in subsection (b)). The presiding officer shall be in charge of the ballot box and its seal, and shall return them, either personally or in the custody of a police officer, to the local election authority after the counting of votes.

(b) Exceptional circumstances. The state ballot box shall be used for depositing the ballots, but if it becomes impossible to use, the presiding officer may direct that a substitute be used, and the clerk shall include an attested copy of the reasons in the envelope with the ballots cast. The presiding officer may open any ballot box in public view to press down the ballots in it if it becomes too full. He may also in public view remove the ballots from a full ballot box and place them in another container, which shall be securely fastened and sealed. The container shall be kept beside the ballot box in public view until the polls close, when it shall be opened to count the votes.

(c) Multiple ballot boxes. In towns, the local legislative body or selectmen may decide that more than one state ballot box shall be used. In this case, the voting list (section 28) shall be divided into as many sections as there are ballot boxes. The state secretary shall provide these additional ballot boxes at the expense of the town.

#### Section 24. Voting machines.

This section applies where voting machines are used.

(a) Delivery of keys. On election day, a reasonable time before the opening of the polls, the local election authority shall deliver to the election-day officers the keys to each voting machine in a separate sealed envelope, on which shall be written:

- (1) the number of the precinct,
- (2) the location of the polling place,
- (3) the number of the voting machine,
- (4) the number of its seal, and
- (5) the number registered on its protective counter.

The envelope shall not be opened until an election-day officer from each of the two leading political parties has examined it to see that it has not been opened.

(b) Opening of counter compartment. Before opening the keys envelope, the election-day officers shall examine the seal on the voting machine to see that it is intact, and shall compare the number of the seal and the number on the protective counter with the corresponding numbers on the envelope. If they do not agree, the machine shall not be opened until the local election authority or the custodian (section 16) examines the machine and certifies that it is properly prepared and arranged for the election. If the numbers agree, the election-day officers shall open the doors of the counter compartment of the machine.

(c) Examination of counter. The election-day officers shall examine the public counter and each vote counter of every machine to see whether it registers zero. A candidate whose name appears on the machine, or his representative, may also so examine the counters. If the machine is a printer-type machine, the examination shall be conducted by means of the printer sheets. Polling places shall be open one half hour before the opening of the polls in order to permit this examination. If such a counter does not register zero, the number registered and the designation of the counter shall be certified by the election-day officer, and copies posted on the wall of the polling place and filed with the election returns; at the close of the polls, this number shall be subtracted from the number then registered on that counter. After the examination, the doors of each counter compartment shall be closed and locked, and not reopened until the close of the polls.



(d) Opening for voting. Each machine shall remain locked and sealed against voting until the opening of the polls. It shall then be unlocked for voting and the seal removed.

(e) Procedure while polls open. The exterior of each voting machine shall remain in plain view of the election-day officers and the public until the close of the polls. The election-day officer in charge of the machine shall from time to time inspect its face to see that neither the ballot labels nor the voting indicators have been tampered with or injured. During the election, the doors of the counter compartment shall not be unlocked or opened.

(f) Machine failure. If a machine stops functioning properly because of mechanical failure, the custodian (section 16), in the presence of an election-day officer from each of the two leading political parties, shall inspect it and attempt to put it in working order. The custodian and those officers shall sign a statement giving the reason for the failure, which shall be filed with the election returns. If the machine cannot be put in working order, it shall be placed out of service for that election, and a statement to that effect shall be signed by the election-day officers and filed with the election returns.

#### Section 25. Campaign material.

No campaign material intended to influence the vote of a voter, including stickers (section 30), shall be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premises where the building stands, or within 150 feet of the entrance to the building. No person shall collect signatures on petitions of any kind within 150 feet of the entrance to the building.

#### Section 26. Persons in voting area.

The "voting area" is the area of the polling place inside the guard rail. Only the following persons shall be permitted in the voting area between the opening of the polls and the public declaration of the vote:

(a) Officials. Election-day officers, members of the local election authority, and voting machine custodians, in the course of their duties, and police officers and others authorized by the election-day officers for the purpose of preserving order; and

(b) Voters.

(1) Where ballot boxes are used, no more eligible voters at one time than four more than the number of marking compartments, or

(2) Where voting machines are used, no more eligible voters at one time than twice the number of voting machines.

But no voter shall be permitted in the voting area under this subsection after the time set for the close of the polls, except for the purpose of voting if the voter was in the polling place or in line at the door at that time.

Section 27. Public observation.

Any person who is not disorderly and does not obstruct access to the polling place or the voting area (section 21) may observe the conduct of an election and the counting of votes from outside the voting area (section 26). He may have in his possession his personal notes, including a copy of the voting list. But no electronic means for recording or broadcasting the names of voters who have not yet voted, including tape recording or radio broadcasting equipment, shall be used.

Section 28. Use of voting list; voters omitted by error.

(a) All elections. The election-day officers at the entrance to the voting area shall have a copy of the voting list for the precinct (chapter 52, section 17(c) and 19(b)); in addition, where ballot boxes are used, the election-day officers in charge of the ballot box shall have another copy. A voter who wishes to vote shall give his name and address to the election-day officers at the voting area entrance. If they find his name on the voting list, they shall check it and repeat it distinctly. A voter who is eligible to vote (chapter 52, section 3) shall be admitted into the voting area, subject to space limitations (sec-

tion 26). Where ballot boxes are used, he shall be given a blank ballot, and where voting machines are used, a voting authority certificate; at primary elections it shall be of the appropriate political party (subsection (b)). After the voter has voted (section 29), where ballot boxes are used, he shall give his name and address to the election-day officers at the ballot box; if they find his name on the voting list, they shall check it and repeat it distinctly, and if the voter is eligible to vote (chapter 52, section 3), they shall then permit him to deposit the ballot in the ballot box. A certificate of supplementary registration (chapter 52, section 3(a)(3)) or a certificate of error (subsection (c) and chapter 52, section 3(a)(2)) shall be attached to the voting list and considered part of it.

(b) Primary elections. At primary elections, the election-day officers shall announce in addition each voter's party enrollment if it appears on the voting list. If none appears, they shall inquire in which party he wishes to enroll, and they shall so enroll him by indicating the enrollment on the voting list and shall announce it. The new party enrollment takes effect immediately and shall be entered after election day in the registered voters file (chapter 52, section 10). The local election authority shall make available at the polling place suitable forms for change of party enrollment (chapter 52, section 16), which voters may transmit to the board of registrars of voters.

(c) Voters omitted by error. Whenever a person is apparently rendered ineligible to vote (chapter 52, section 3) by the omission of, or an inaccuracy in, his name or party enrollment on the voting list, the presiding officer shall communicate with the registrars by telephone or other available means. If the omission or inaccuracy results from an error of fact or law by an administrative authority (chapter 50, section 9), including a deletion from the registered voters file because of an erroneous omission from the current residents list (chapter 52, section 14 and 15(a)), the registrars shall direct the presiding officer to issue to the voter a "certificate of error". If the presiding officer for any reason does not issue the certificate, the person may request in

person that the registrars issue it. If the registrars then issue the certificate, the voter may then either return to the polling place to vote in person or vote by absentee ballot (subchapter C) at the office of the local election authority, enclosing the certificate in the envelope.

Section 29. Voting procedure.

(a) By ballot. This subsection applies where ballot boxes are used, except as provided otherwise for an electronic voting system (subsection (b)). A voter shall vote by marking the ballot in a marking compartment, alone except where assistance is requested (subsection (e)), and without leaving the voting area. He shall vote by marking an "X" in the space to the right of the name of each candidate or group of candidates (subsection (d)) for whom he intends to vote (except a candidate whose name does not appear on the ballot (section 30(a))) or of the answer to a question to voters which he intends to give. If a voter spoils a ballot, he may return it and obtain another, but no voter shall so obtain more than two such replacement ballots; an election-day officer shall immediately mark each returned ballot "spoiled". After a voter has marked a ballot, he shall fold it as he received it and shall keep it folded until he has deposited it, face up with the official endorsement in view, in the ballot box (section 28(a)). No person shall remove any ballot from the voting area until after the close of the polls. Except as this chapter provides otherwise, no person shall place on a ballot any mark by which it may be identified, and no person shall mark any ballot except his own.

(b) By electronic voting system. Where electronic voting systems are used, "marking" includes punching holes in a data processing card or marking with special inks or in a special form. Election-day officers shall ensure that the special marking units are at all times prepared for use by voters. If data processing cards are used, each voter shall be supplied with an envelope, in which he shall insert the card immediately after he has punched it, and which he shall then deposit in the ballot box.



(c) By voting machine. This subsection applies where voting machines are used. Before a voter enters a machine, he shall hand his voting authority certificate to the officer in charge of the machine, who shall deposit it in the receptacle provided and shall then release the machine for voting. Except where assistance is requested (subsection (e)), no person shall be in any position to see or learn how any voter votes. If all machines at the polling place fail, voters shall vote there by absentee ballots (section 4) marked "cast due to machine failure", and those voters shall be so designated on the voting list. Such ballots cast due to machine failure, challenged ballots (section 31(c)), and absentee ballots (subchapter C) shall be deposited in the ballot box like any other ballot (subsection (a)).

(d) Special provisions.

(1) Presidential electors; governor and lieutenant governor. A voter shall cast a single vote for a group of candidates for presidential elector (by voting for the appropriate pair of candidates for president and vice-president whose surnames appear on the ballot), and for a pair of candidates for governor and lieutenant governor at a general election.

(2) Ward and town committee. A voter may cast a single vote for a group of candidates for ward or town committee at a presidential primary election (where paper ballots are used, by marking an "X" in the circle at the top of the group); such a vote shall count as a vote for each candidate in the group. Or a voter may vote for one or more such candidates, but if he votes for more candidates than the number to be elected, his votes shall not be counted.

(e) Instructions and assistance to voters.

(1) Generally. A voter who states to the presiding officer that he is unable to vote because of blindness, other physical disability, or inability to read or to read English, may be assisted in voting by any voter whom he designates.

(2) Voting machines; electronic voting systems. If so requested, an election-day officer shall instruct voters outside the voting area in the operation of a voting machine or an electronic voting system. If, after a voter has enclosed himself in a voting machine or a compartment where an electronic voting system is used, he asks further instructions in its operation, two election-day officers from different political parties shall so instruct him, without in any way attempting to influence his vote, and shall then withdraw before he votes.

(f) Time limitations. A voter shall vote without unnecessary delay. He shall leave the voting area as soon as he has voted. He shall not remain in the voting area more than ten minutes. He shall not remain in a voting machine or marking compartment more than five minutes if other voters are waiting in line or after the time set for the close of the polls. After a voter votes and emerges from the machine or compartment, he shall not re-enter it.

Section 30. Voting for candidate not on ballot.

(a) Generally. Except as provided otherwise in this section (subsection (c)), a voter may vote for a candidate whose name does not appear on the ballot by writing in, or affixing a sticker containing, the candidate's name and address of residence in the space provided on the ballot, voting machine, or electronic voting system envelope.

(b) Stickers. Stickers shall meet the printing requirements for name, address, and size of type which apply to official ballots (section 6), but no political or other designation shall appear on the sticker.

(c) Special provisions.

(1) Presidential electors. A voter may vote for a group of candidates for presidential elector, if their names have been filed with the state secretary by candidates for president and vice president whose names do not appear on the ballot (chapter 53, section 10(c)(3)), by including only the surnames of those candidates for president and vice president.

(2) Governor and lieutenant governor. A voter at a general election may vote for a candidate for governor or lieutenant governor whose name does not appear on the ballot by including his name and address of residence. But no such vote shall be cast for a candidate whose name appears on the ballot.

Section 31. Challenges.

(a) Challenge. Any person ("challenger") may challenge a person who seeks to vote ("voter") for ineligibility to vote at an election (chapter 52, section 3). Before the voter's ballot is deposited in the ballot box (for absentee ballots, see section 40) or the voter enters the voting machine, the challenger shall state to the presiding officer that he challenges the voter and the reason for the challenge.

(b) Oath. The presiding officer shall then administer to the voter the following oath:

"You do solemnly swear (or affirm) that you are the person who you claim to be, that you are registered to vote in this precinct, and that you have not yet voted at this election."

If the election is a primary election, the voter shall also swear or affirm that he is not enrolled in any political party other than the one in whose primary election he is attempting to vote.

(c) Procedure. Where voting machines are used, the voter shall then be given an absentee ballot (section 4) which shall be marked "challenged" and he shall then vote as if by paper ballot (section 29 (a)). In every precinct, the voter shall write his name and address of residence on the outside of the ballot, and the presiding officer shall add the name of the challenger and the reason for the challenge, and shall then permit the voter to deposit the ballot in the ballot box. The letters "CV" shall then be marked opposite the name of the voter on the voting list. Except as provided otherwise, no person shall make any statement or give any information concerning a challenged ballot.

## SUBCHAPTER C. ABSENTEE VOTING

### Section 32. Absentee voting to be provided.

Absentee voting is to be provided at all elections and at caucuses where official ballots are used. This subchapter applies to all such elections and caucuses. As used in this subchapter, "election" includes these caucuses.

### Section 33. Absentee voting supplies.

The state secretary shall prepare and supply to local election authorities absentee voting material (section 34) for state elections, and information and instructions, subject to approval by the attorney general, for all elections. The state secretary shall retain these materials in sufficient quantities and supply sufficient quantities to local election authorities in each city and town. The state secretary may take administrative steps and may use federal aid afforded to facilitate absentee voting in state elections. The local election authority shall prepare and supply absentee voting material for city and town elections.

### Section 34. Materials for absentee voting.

Before every election, the state secretary for state elections and the local election authority for city and town elections shall prepare:

(a) Ballots. A sufficient number of absentee ballots. These ballots shall be similar in all respects to the official ballot to be used at the election except that the words "Official Absentee Ballot" and (except for punch cards) instructions for voting shall be printed on the ballot, and except that the size of the ballot, the color and weight of the paper, and the size of type used may be determined by the state secretary for state elections and the local election authority for city and town elections. The color of the paper shall differ from that of the official or specimen ballots and, for primary elections shall be similar in color to the official ballot of the respective parties.



(b) Applications. Blank forms of application for absentee ballots. Two kinds of forms shall be included, one for the voter and one for family members (chapter 50, section 2(g)) of United States citizens living outside of the country and of federal service persons whose last place of residence in the United States or home of record is the city or town in which the application is made (section 36 (e)). These applications shall be in substantially the form in Appendix B and Appendix C.

(c) Police Report. Blank forms of report of police investigation, worded substantially as in Appendix D, used if the registrars request police to investigate the residence of absentee voters for whom a family member has applied for an absentee ballot (section 37(a)).

(d) Registrars' certificates. Blank certificates for registrars to attach to written communications requesting absentee ballots and then to ballots pending processing, one such form for registered voters and one for federally qualified persons. These forms shall be in substantially the form in Appendix E and Appendix F.

(e) Inner ballot envelopes. Envelopes of sufficient size to contain ballots, which shall designate whether they are to be used for a general election or a primary election, including the name of the party, and the class of voters for which they are to be used. The color and weight of the paper and the color and size of the type shall be determined by the state secretary for state elections and the local election authority for city and town elections. Affidavits shall be printed on the envelopes for the following classes of voters:

(1) Registered voters, except for certified permanently disabled voters, in substantially the form in Appendix G.

(2) Certified permanently disabled voters, in substantially the form in Appendix H.

(3) Federally qualified persons, in substantially the form in Appendix I.

(f) Outer ballot envelopes; addressed to local election authorities. Envelopes of sufficient size to contain absentee ballots and inner ballot envelopes, with addresses of local election authorities and with spaces designated for the voter's name, return address, and voting address, including ward and precinct (if any). On each envelope shall be printed a statement that an absentee ballot is enclosed, that the envelope be sent air mail if it is to be sent from outside the United States, and that it is postage-free when this provision is made by the United States government.

(g) Outside envelopes; addressed to voter. Envelopes of sufficient size to contain absentee ballots, inner ballot envelopes, and outer ballot envelopes, with spaces designated for the voter's name and address and the return address of the local election authority. On each envelope shall be printed a statement that an absentee ballot is enclosed, that the voter should read the instructions on the ballot before voting, that the envelope be sent air mail if it is to be sent outside the United States, and that it is postage-free when this provision is made by the United States government.

Section 35. Eligibility to vote by absentee ballot.

The following persons are eligible to vote by absentee ballot under this subchapter:

(a) Any registered voter who:

(1) during the hours the polls are open on the day of an election will be absent from the city or town in which he is eligible to vote; or

(2) will be unable to vote in person because of physical disability; or

(3) will be unable to vote in person because of religious belief; or

(b) Any federally qualified person (chapter 50, section 2 (h)) who during the hours the polls are open on the day of an election will be absent from the city or town in which he is eligible to vote.

Section 36. Applying for absentee ballots.

(a) Deadline. An application for an absentee ballot is filed on time if it is received in the office of the local election authority before noon on the day before the election for which the ballot is requested.

(b) Form. A blank form of application (section 34(b)) shall be mailed or given immediately to anyone who requests one by mail or in person from the state secretary or local election authority. Any form of written communication requesting an absentee ballot shall be treated in the same way as an application made on the application forms.

(c) Certified permanently disabled voters. A voter who will be unable because of permanent physical disability to vote in person at the polling place may file once with the local election authority a written communication from a registered physician who is personally acquainted with the voter and aware of this disability, stating that it is reasonably certain that the voter will be permanently unable to vote in person at the polling place. Voters who have filed such a communication once shall be designated as certified permanently disabled voters. Local election authorities shall maintain a list of these voters.

(d) Designation of party. A voter applying for an absentee ballot for a primary election shall designate the party whose ballot is requested.

(e) Application by family member. A registered voter of the commonwealth who is a family member (chapter 50, section 2(g)) of a citizen residing abroad or of a federal service person (chapter 50, section 2(h) (1) and (2)), or of a registered voter who otherwise conforms to either of those definitions, may apply for an absentee ballot for that person. This application shall be made in person to the absentee voter's local election authority on an application form (section 34(b) and Appendix C) or shall include the applicant's name and voting address and relationship to, and the qualifications for voting of, the

person to whom the ballot is to be sent. The applicant shall sign the application under oath that the statements included are true.

(f) Registered voter by supplementary registration. An application for an absentee ballot by a federally qualified person who registered after the last day to register for that election (chapter 52, section 11(c)) shall be accompanied by the certificate of supplementary registration issued to that voter.

Section 37. Processing applications.

(a) Certification by registrars. When an application for an absentee ballot is received by the local election authority, it shall be sent to the registrars of voters for certification. If the applicant is a certified permanently disabled voter, a statement to that effect signed by the local election authority shall be written on the application before it is sent to the registrars. A list of the certified permanently disabled voters of the city or town shall be 'made available to the registrars. The registrars shall examine each application received. They shall certify the application and return it to the local election authority if they find that:

(1) the signature on it is genuine and that of a registered voter or federally qualified person, or

(2) the application has been signed by a registered voter in the commonwealth and complies with the provision for application by a family member (section 36(e)).

In the processing of applications for federally qualified persons, registrars may request assistance from the police in investigating the person's qualifications for voting. The officer in charge of the local police shall conduct an investigation if requested and report to the registrars the police officer's findings on the form provided (section 34(c) and Appendix D).

(b) Rejected applications. If the registrars determine that the application is not from a registered voter or federally qualified person nor a valid application by a family member (section 36(e)), they shall



notify the applicant in writing of their findings and shall preserve the application for the time required for the preservation of ballots cast in the coming election (section 50), after which the application shall be destroyed. No application by a federally qualified person shall be acted on adversely except after investigation by the registrars. No application by a family member shall be rejected without giving the applicant an opportunity for a hearing by the registrars. A complaint asserting the illegality or incorrectness of the certification of an application under this section may be made and shall be treated as if the person attempting to vote were a registered voter (chapter 52, section 13). The penalties regarding registration of voters (chapter 57, subchapter A) apply to these applications.

(c) List of federally qualified persons. The registrars shall prepare a list of federally qualified persons, with their voting addresses and mailing addresses, for whom applications for absentee ballots have been certified. They shall post the list in their office and send a copy to the local election authority before each election and to the state secretary before each regular state general election. They shall report to the local election authority for city and town elections or to the state secretary for state elections the total number of these persons in each ward and precinct (if any).

(d) Mailing absentee ballots. After receipt of a certified application by a local election authority, a ballot and the corresponding envelopes (section 34) shall be mailed to a voter who applied by mail, and handed to a voter who applied to vote at the office of the local election authority (section 38 (b)). Certified permanently disabled voters shall be sent the inner ballot envelope provided for them (section 34(e)(2)). No voter shall be sent the ballot of more than one party at a primary election. If an enrolled voter requests the ballot of a party other than a party in which the voter is enrolled, the local election authority shall send the voter the ballot of the party in which the voter is enrolled. A voter who has spoiled a ballot may be sent another, but no more than

a total of two substitutes, one at a time, if the request is accompanied by the spoiled ballot and if it is received by noon of the day before the election for which the substitute ballot is requested.

(e) Lists for precincts.

(1) The local election authority shall prepare for each precinct a list of persons for whom absentee ballot applications have been certified. Copies of each list shall be posted for public inspection.

(2) The local election authority shall send to each polling place on election day:

(i) the voting list for the election for that precinct (chapter 52, section 17(c)), with any certificate of supplementary registration accompanying an application (section 36 (f)) securely attached. The letters "AV" shall be placed next to the name of, or on the certificate of supplementary registration for, each person for whom an application for an absentee ballot has been certified, and

(ii) the list of the names and addresses of federally qualified persons for whom applications have been certified (subsection (c)).

Section 38. Voting by absentee ballot.

(a) Ballot received by mail.

(1) When a voter receives an absentee ballot by mail, he shall return it to the local election authority by mail, and it shall be received by the time the polls close on election day if it is to be counted. Except for a certified permanently disabled voter, the voter shall mark the ballot in the presence of an official authorized to witness absentee ballots (subsection (c)).

(2) No one else may be present unless the voter states to the official that assistance is required because of blindness or other physical disability or inability to read or to read English (section 29(e)(1)). Under those conditions the voter may be assisted in marking the ballot by any voter of his choice or by the official. In either case the official shall add in writing to the affidavit on the inner ballot

envelope a statement that the voter required assistance and of the reason, and shall sign the voter's name on the inner ballot envelope.

(3) Before marking the ballot, the voter shall read carefully the instructions on the ballot and shall show the ballot to the official, who shall satisfy himself that it is unmarked. The voter shall then mark the ballot in the presence of the official but without allowing the official to see how he votes. Unless the voter requests assistance because of blindness or other physical disability or inability to read or to to read English, the official shall hold no communication with the voter, nor the voter with the official, as to how he votes. After voting, the voter shall enclose the ballot in the inner ballot envelope, seal the envelope, and complete the affidavit on the envelope. The official shall then complete his section of the affidavit. The voter shall then seal the inner envelope in the outer ballot envelope, fill in the blanks provided on the outer envelope, and mail it to the local election authority.

(4) A certified permanently disabled voter shall proceed in the same way except that no official shall be present. That voter shall complete the affidavit by signing it himself, under the penalties of perjury.

(b) Voting at the office of the local election authority. A voter who has applied to vote at the office of the local election authority shall be handed a ballot, at a time, before the polls close on election day, arranged with the local election authority. The voter shall not remove the ballot from the office. After carefully reading the instructions, the voter shall mark (in the case of a punch card electronic voting system ballot, shall punch) the ballot in the presence of the local election authority, an assistant authorized by law to administer oaths, or a notary public called to the office by the local election authority, but without allowing the official to see how he votes. After voting, the voter shall follow the procedures described in the preceding subsection, except that the outer envelope shall be handed to the local election authority rather than mailed.

(c) Officials authorized to witness absentee ballots. The following officials are authorized to witness absentee ballots:

- (1) an official authorized by law to administer oaths;
- (2) a registrar or assistant registrar at a college or university for a student enrolled in that institution;
- (3) a commissioned or warrant officer or non-commissioned officer not below the rank of sergeant or petty officer in the United States military service for a federal service person; and
- (4) a member of the local election authority for a person voting at the office of the local election authority.

No official other than a member of the local election authority may witness absentee ballots at an election at which he is a candidate for any office. Officials shall personally sign the affidavit and not use a facsimile or stamp or any other device. Justices of the peace and notaries public of the commonwealth shall not charge any fee for so witnessing an absentee ballot (chapter 262, section 43).

Section 39. Processing absentee ballots.

(a) Effect. A person votes when his absentee ballot has been processed, whether or not it has been rejected as defective.

(b) Procedure at the office of the local election authority.

(1) Political party observers. No later than one week before the date of the election an observer may be appointed by the chairman of the city or town committee of each political party to observe the examination of the affidavits on the inner envelopes containing absentee ballots.

(2) Examination of inner envelope affidavits. No earlier than three calendar days before the election, and in the presence of these observers if appointed, the local election authority, or some person designated by it, shall open each outer ballot envelope, take out the inner envelope inside without opening it, and examine the affidavit on the outside of the inner envelope. The signature of the voter on the envelope shall be compared with the signature on the application for the



ballot, except for ballots received from a voter who requested assistance (section 38(a)). If the examiner finds that an affidavit has not been completed, witnessed, mailed, or handed to the local election authority in conformity with law (section 38), or has not been signed by the person who signed the application, he shall mark on the affidavit "Rejected as Defective" and shall place on the list of certified applicants (section 37(e)) next to the name of that voter the capital letter "R". No ballot shall be rejected for any immaterial addition, omission, or irregularity in the affidavit.

(3) Checking names on lists. Each inner ballot envelope not marked "Rejected as Defective" shall be replaced in the outer ballot envelope, and the name of the voter shall be checked on the list of certified applicants (section 37(e)). The examiner shall record on tally sheets prepared and furnished by the state secretary all accepted and rejected inner ballot envelopes. Separate sheets shall be prepared for each precinct in cities and towns (if any).

(c) Election day procedure.

(1) The local election authority, on the day of the election, no later than one hour after the polls close, shall transmit each absentee ballot envelope received on or before the day before the election and which has not been marked "Rejected as Defective" or "Rejected as Voting at Polling Place" (section 41) to the election-day officers at the absentee voter's precinct. As soon as possible after receiving these envelopes, the warden or deputy warden shall distinctly announce the name and residence of each voter and check that name on the voting list for the election (section 37(e)(2)(i)), or on the list of federally qualified persons whose applications have been certified (section 37(e)(2)(ii)). The warden or deputy shall then remove the inner ballot envelope from the outer ballot envelope, open the inner envelope without destroying the affidavit on it, take out the ballot without opening it or permitting it to be examined, and deposit it in the ballot box.

(2) Absentee ballot envelopes received on election day shall be processed at the office of the local election authority by two election-day officers in the same way those received before election day were processed. The ballots received on election day may be counted either at the polls or at the office of the local election authority after the polls close. If they are counted at the office of the local election authority, the precinct tally sheet, official return book, and check list received from each precinct after the vote has been counted shall be amended by the local election authority.

(3) No absentee ballot shall be counted if the election-day officers know that the voter has died before the opening of the polls on election day.

(d) Party enrollment at primary elections. An unenrolled voter does not become enrolled in a political party by applying for an absentee ballot for a primary election, nor when the local election authority receives the ballot, but does become enrolled when the ballot is processed even if the ballot is marked "Rejected as Defective." Whoever processes the ballot of an unenrolled voter shall, when the ballot is processed, record the enrollment of the voter on the list of certified applicants to be used at the polls (section 37(e) and subsection (b)(3)), or the election-day officers at the polls who cast the ballot shall record the enrollment of that voter on their lists.

#### Section 40. Challenging absentee ballots.

Absentee ballots may be challenged for ineligibility to vote (chapter 52, section 3) or to vote by absentee ballot (section 35). If a ballot is challenged, the regular challenge procedure (section 31) applies, but the oath shall not be administered to the voter, and the name and address of the voter shall be written on the ballot by the election-day officer who deposits it in the ballot box.

Section 41. Voting at polling place by person whose application for absentee ballot has been certified.

(a) Certificate. If a voter whose application for an absentee ballot has been certified wishes to vote at the polling place, the voter shall request a "certificate for voting at polling place" from the local election authority. No one may vote at the polling place if his absentee ballot has been processed (section 39). If the voter's absentee ballot has not been processed, his name checked, or an "R" placed next to it indicating the ballot has been rejected as defective, the local election authority shall issue that certificate to the voter, enabling him to vote at the polling place. The certificate shall include the voter's name and address and the signature of the local election authority. The capital letter "C" shall be placed next to the person's name on the list of voters whose applications for absentee ballots have been certified.

(b) Voting at polling place. The voter shall present the certificate to the presiding officer at his polling place, who shall check his name on the voting list for the election, and then allow him to vote. The presiding officer shall preserve the certificate and return it with the voting lists to the local election authority.

(c) Rejection of absentee ballot. If, after a certificate is furnished under this section, an absentee ballot envelope is received from a voter to whom such a certificate has been issued and opposite whose name the letter "C" has been placed, the envelope shall be marked "Rejected as Voting at Polling Place."

Section 42. Disposition of absentee voting material.

All applications for absentee ballots, all lists of absentee voters, all absentee ballot envelopes which contained ballots cast, and all absentee ballot envelopes marked "Rejected as Defective" or "Rejected as Voting at Polling Place" or received after the polls closed on election day shall be preserved and destroyed like ballots (section 50). The envelopes which contained ballots cast shall be retained with the ballots

cast at that election. The envelopes marked "Rejected as Defective" or "Rejected as Voting at Polling Place" or received after the polls closed shall be retained unopened.

Section 43. Irregularities in absentee voting.

(a) Construction. No mere informality in the manner of carrying out any provision of law affecting absentee voting by federally qualified persons at an election shall invalidate the election or constitute sufficient cause for rejection of the returns of the election. These provisions shall be interpreted liberally in order to accomplish their purposes.

(b) Jurisdiction of courts. The supreme judicial and superior courts have jurisdiction to require the certification of any application for an absentee ballot which the registrars have improperly refused to certify, to order the counting of any ballot improperly rejected, and to forbid the counting of any ballot which cannot reasonably be identified as the ballot of a person eligible to vote under this subchapter or which was not cast in accordance with it. But no such proceeding shall be begun after the deadline for the final tabulation of votes cast at a state general election (sections 52(a) and 53).

SUBCHAPTER D. POST-ELECTION PROCEDURE

Section 44. Use of state secretary's forms.

(a) Generally. The blank forms and apparatus provided by the state secretary shall be used in determining the result of all elections.

(b) Exception. If it is impossible to use these blank forms or apparatus, the canvass of the votes shall be made as the presiding officer directs. The clerk of the precinct shall record the facts relating to the failure to use the blank forms or apparatus, and shall enclose an attested copy of that record in the envelope with the ballots cast.



Section 45. General provisions for counting votes.

(a) At primary elections. At primary elections, after the ballots are removed from the ballot box, they shall first be sorted into piles, one for each party, and each pile shall be counted and sealed separately. Votes shall be counted only for nominations of the party on whose ballot they appear.

(b) Use of pens and pencils. No election-day officer engaged in counting ballots, except the election-day officer or officers actually entering the count of ballots cast on tally sheets, shall hold in either hand during the counting of ballots a pen, pencil, or other marking device. Election-day officers shall use only red pencils or red ink in recording or tabulating the vote in election precincts.

(c) Early announcement of results in special cases. The clerks of precincts may, if authorized in writing by the local election authority, publicly announce the number of votes cast for each candidate for each office as soon as the count of ballots for that office has been completed, and the number of yes and no votes cast on any question to voters, as soon as the count of ballots on the question has been completed.

(d) Defective ballots. If the use of the state ballot box is required, no ballot shall be counted unless it has been deposited in and cancelled by the ballot box or has been otherwise lawfully deposited (section 23(b)). Only official ballots shall be counted in any election. If a voter marks more names than there are persons to be elected to an office, or if his choice cannot be determined, his ballot shall not be counted for that office. Ballots shall be counted if the voter's intent can reasonably be determined from an examination of the ballot. Ballots cast but not counted shall be marked "defective" on the outside and shall be preserved like other ballots.

(e) Central tabulation facilities. At state elections, the local election authority, or its designee in each precinct, shall immediately transmit to whatever central tabulation facilities the state secretary designates, by telephone or telegraph, the vote cast for candidates for statewide offices and for representatives in Congress, by precincts, as the count for each office is completed. These returns shall be considered unofficial and shall be in addition to the returns required by this subchapter, and shall be disseminated as received by the state secretary. Subject to the approval of the governor, the state secretary may make rules governing the establishment and administration of the central tabulation facilities.

Section 46. Counting votes where paper ballots are used.

(a) Counting procedures. After the polls are closed where paper ballots are used, the following procedures shall be followed in order:

(1) The clerk of the precinct shall record the total number of ballots received at the polling place, the number registered on the ballot box, and the total number of spoiled ballots.

(2) The election-day officers shall then, publicly and in the presence of the other election-day officers, count and announce the number of names checked on each voting list used at the election, and the clerk shall record the numbers so counted.

(3) The ballot box shall then be opened by the presiding officer and the ballots taken out and counted out loud, one by one, in public view, and the whole number of ballots cast shall be publicly announced by him.

(4) The ballots may then be divided into convenient blocks or packages for counting. Two election-day officers representing the two leading political parties shall be assigned by the presiding officer to canvass and count each block of ballots together.

(5) The result of the canvass and count shall then be reported to the presiding officer, who shall have it correctly recorded on the blank forms provided by the state secretary.

(6) The election-day officers shall then immediately proceed to count out loud all unused ballots, and the total number of unused ballots shall be publicly announced by the presiding officer, who shall have this information correctly recorded on the blank forms provided.

(7) The clerk shall then publicly announce and enter on the total vote sheet, which shall be considered the precinct record, the following items:

- (i) the total number of names checked on the voting list,
- (ii) the total number of ballots cast,
- (iii) the names of all persons voted for,
- (iv) the number of votes for each person and the title of the office for which he was a candidate,
- (v) the number of blank ballots for each office, and
- (vi) the number of yes and no votes in answer to any question to voters.

(8) The clerk shall then, as soon as possible, certify that record, seal it, and deliver it outside of the ballot container or envelope, but in a separate sealed envelope, to the local election authority, which shall immediately enter it in its records.

(b) Continuous counting in public view. The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up. All proceedings in the canvass and counting of votes shall be public and in open view of the voters. There shall be no adjournment or postponement until the canvass and counting have been completed, and the voting lists and ballots have been enclosed and sealed up.

Section 47. Counting votes where electronic voting systems are used.

(a) At precinct. After the polls are closed where electronic voting methods are used, the following procedures shall be followed in order:

(1) The clerk of the precinct shall record the total number of ballots received at the polling place, the number registered on the ballot box, and the total number of spoiled ballots.

(2) The election-day officers shall then, publicly and in the presence of the other election-day officers, count out loud and announce the number of names checked on each voting list used at the election, and the clerk shall record the numbers so counted.

(3) The ballot box shall then be opened by the presiding officer, and the ballots taken out and counted, out loud one by one, in public view, and the whole number of ballots cast shall be publicly announced.

(4) The ballots removed from the ballot box shall then be inspected by teams of two election-day officers, assigned by the presiding officer to represent the two leading political parties. Their inspection shall include the removal of each ballot from its enclosing envelope and an examination of the envelope for write-ins or sticker votes. If any such votes are found, the ballot shall at once be examined, and any ballot which together with its envelope contains more votes for an office than the number to which the voter was entitled shall be hand counted in the precinct. Any absentee ballots or write-in or sticker votes shall be counted in the precinct as if they were paper ballots (section 46).

(5) The count of absentee ballots and over-voted ballots shall then be entered on sheets provided for the purpose, and the total transferred to the precinct total sheet and signed by the precinct warden and clerk. No public announcement of the vote cast on absentee ballots or on over-voted ballots shall be made at the polling place.

(6) The remaining election-day officers shall then count all unused ballots, and the total number of unused ballots shall be publicly announced by the presiding officer, who shall cause this information to be correctly recorded on blank forms provided for that purpose.

(7) All remaining ballots, used and unused, together with the ballot envelopes or folders and the precinct total tally sheet, shall then be enclosed in a container and locked. The presiding officer shall



keep the key. The voting lists and all ballots which were removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up, or until locked in containers for transport to the tabulation center (subsection (b)). There shall be no adjournment or postponement of the proceedings at the polling place until all these proceedings have been completed and the ballots or ballot cards transmitted to the tabulation center.

(b) At tabulation center.

(1) The locked container shall immediately be transported to the tabulation center (section 20) accompanied by the presiding officer, the precinct clerk, and a police officer, who shall exercise constant control and supervision over the locked container. The warden appointed as the presiding officer at the tabulation center shall assign to the inspectors whatever duties will insure the accurate and complete tabulation of the ballots, in accordance with whatever rules and regulations for the operation of the center the state secretary prescribes.

(2) Each precinct shall be tabulated separately. The sheet showing the result, as printed by the computer or tabulating unit, shall be fastened to the precinct record for transmission to the local election authority, and the warden and clerk shall be responsible for the sheet and shall each sign it. Each precinct tabulation sheet shall show:

- (i) the total number of names checked on the voting lists,
- (ii) the total number of ballots cast,
- (iii) the names of all persons voted for,
- (iv) the number of votes for each person and the title of the office for which he was a candidate,
- (v) the number of blank ballots for each office, and
- (vi) the number of yes and no votes in answer to any question to voters.

The machine record shall be added to the precinct record sheet showing absentee ballot and hand-counted ballot totals, and the precinct record sheet shall then be signed by the precinct warden and clerk. The

presiding officer at the tabulation center, or whatever election-day officer he designates, shall then publicly and in the presence of the other election-day officers distinctly announce the number of votes cast for each candidate for each office, and the number of yes and no votes cast on any question. This announcement may be made for each precinct as soon as the precinct record has been completed.

(3) Any ballot or card which is rejected by the computer or counting unit, or which is mutilated so that it cannot be inserted in the computer or counting unit, shall be counted by hand by two inspectors of different political parties. The result of the count of all these ballots shall be entered separately on the precinct record sheet and added to the other totals on the precinct record sheet. No such rejected or mutilated ballot shall be repunched for inserting into the computer or tabulating unit.

(4) The counted ballots, both absentee and other, shall be sealed in separate envelopes, and shall be transmitted (section 49) to the local election authority as soon as possible. The voting lists shall also be sealed up in separate envelopes and transmitted to the local election authority.

Section 48. Counting votes where voting machines are used.

(a) Counting procedures. After the close of the polls the following procedures shall be followed:

(1) The warden, or an election-day officer, in the presence of an election-day officer of a different political party and subject to verification by any or all election-day officers present, shall read and announce distinctly the result as shown by the counters in the order of the offices as arranged on the voting machine.

(2) He shall, in the same way, read and announce the vote on each question to voters as shown on the same machine.

(3) As each vote is read and announced it shall be recorded on the total sheets, and, when completed, the record of the votes shall be compared with the numbers on the counters of the machine.

(4) The votes written in, or voted by stickers, for candidates not on the ballot (section 30) shall then be announced and recorded. The result shall be read, compared and announced, one at a time, from each machine in the polling place.

(5) When all the votes on the counters have been read, compared, and announced, the total vote shall be tabulated and entered in the official returns. In tabulating the votes, total sheets shall be used on which shall be recorded the total number of votes cast for each candidate and the total number of yes and no votes cast on each question to voters as recorded by the voting machines. The totals of ballots cast by challenged voters and of absentee ballots shall be recorded separately or on separate total sheets and added to the total vote cast by the use of voting machines for each candidate and each question.

(6) After the vote is tabulated, the election-day officers shall lock and seal each machine and enclose and seal the keys in an envelope on which shall be written the number, if any, and the location of the precinct, the number of the machine, the number on the seal, and the number registered on the counters.

(7) The total sheets shall be sealed in envelopes and transmitted to the local election authority with the ballots, keys, voting lists (in a separate sealed envelope), and records of the election-day officers.

(b) Candidate's right to examine machine. A candidate for public office whose name appears on a voting machine, or his representative duly authorized in writing, shall, within one hour after the official vote for that office has been announced, be permitted to examine and check the vote recorded on each voting machine.

#### Section 49. Sealing election materials.

(a) Ballots cast. The presiding officer at every polling place shall, after the record of the counting has been made, have all ballots cast publicly enclosed and sealed in an envelope or container. The

warden and the clerk shall write on that envelope or container the polling place, the election, and the date, and also shall certify on the container that all the ballots cast by the voters of that precinct and none other, are contained in the envelope or container.

(b) Ballots not cast. The presiding officer shall have all ballots not cast similarly enclosed and sealed and shall certify on the envelope or container the contents.

(c) Voting lists. The presiding officer shall have the voting lists similarly enclosed and sealed in an envelope, and the warden and clerk shall certify on the envelope the identity of the voting lists enclosed.

(d) Transmission to local election authority. The presiding officer himself, or a police officer or constable, shall deliver to the local election authority all the ballots cast and not cast, the voting lists, the ballot box, and the ballot box seals. But this subsection shall not apply to ballots used in any approved electronic voting system which requires the transmittal of the ballots to a tabulation center (section 46(b)).

Section 50. Custody and availability of election materials.

(a) Retention by local election authorities. Local election authorities shall retain in their custody the envelopes or containers containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, for thirty days, or for a longer period if a court or other authority of competent jurisdiction so orders (section 57). After that time the local election authority shall have the ballots destroyed. All voting machines used at an election shall remain locked and sealed until thirty days (but, with respect to a city or town primary or preliminary election, ten days) after that election or until after a re-examination of results (section 55(f)(2)(ii)). Local election authorities shall also retain in their custody the voting lists and ballots not cast for thirty days. They shall then transmit the



voting lists to the registrars of voters who shall preserve them for reference for two years, after which time they may be destroyed. Ballots marked "spoiled" shall be destroyed by the local election authority without examining them or permitting them to be examined. Undistributed ballots shall be disposed of by the local election authority publicly, and their number shall be recorded and placed on file for one year.

(b) Availability of voting lists. The local election authority or registrars of voters shall, after receiving a signed written request from any person for the voting list used at elections, furnish a copy of that list to that person on payment of a reasonable fee, or shall allow that person to examine and copy the list without charge under reasonable supervision. After the voting list has been so copied it shall be at once enclosed in an envelope, sealed, and certified as to its identity.

Section 51. Records of votes and determination of results.

(a) Procedure for all elections.

(1) Examination and certification of results by the local election authority. The local election authority shall immediately after every election examine the copies of the records of the election-day officers. No mere technical error shall cause the rejection of a record of votes cast, or copy of such a record, if the number of votes counted for each candidate for an office can be ascertained. If any error appears in the records, the local election authority shall immediately notify the officers who made the error. The officers shall immediately make an additional correct record under oath and deliver it to the local election authority. All records shall be received by the local election authority before the last day for the transmission of copies of records or before the results of the election are required to be declared (subsections (b) and (c)). It shall examine all original and all additional copies of the records and shall make them part of the records of the election, and shall certify and attest copies of the records of votes for the various candidates.

(2) Effect of violations on records. A violation by a public officer or election-day officer of laws concerning the providing and care of ballot boxes, blank forms, and other apparatus, or to the manner of canvassing and counting votes, shall not invalidate any record, or copy of a record, or certificate made by a local election authority or election-day officer, or affect the title of a person declared to be elected to office.

(3) Determination of results. At any primary election, candidates with the highest number of votes for each office, up to the number to be elected, shall be nominated, except that:

(i) at presidential primary elections, candidates for state, ward, and town committees shall be elected (chapter 51) and candidates for president shall be neither nominated nor elected (chapter 53, section 10); and

(ii) a candidate whose name is not on the ballot must receive at least as many votes as the number of signatures required on the nomination petition for that office (chapter 53, section 8 (a)).

At any general election, candidates with the highest number of votes for each office up to the number to be elected shall be elected, except for residency restrictions for county commissioners (chapter 50, section 16(h)). At any election, except a preliminary election (chapter 53, section 12(d)), candidates receiving the same number of votes shall not be nominated (chapter 53, section 6(c)) or elected (chapter 50, section 17) if as a result a greater number would be chosen than are to be chosen.

(b) Procedure for primary elections.

(1) City or town primary elections. Local election authorities shall examine the returns, determine the results, and issue certificates to the successful candidates. Persons nominated by write-in or sticker votes (section 30) shall also be notified of the acceptance requirement (chapter 53, section 8(b)).

(2) State primary elections.

(i) Within four days after state primary elections, the local election authority shall transmit to the state secretary the records of votes cast for candidates for all offices except for ward and town committees. The state secretary shall immediately examine the returns, determine the results, notify the successful candidates, and certify to the state committees the names of those candidates and, for presidential primary elections, also the results for each presidential candidate in each congressional district. The state secretary shall also immediately notify any persons nominated by write-in or sticker votes of the acceptance requirement (chapter 53, section 8(b)).

(ii) The local election authority shall determine the results of votes for ward and town committees, issue certificates to the successful candidates, and certify to the chairmen of the city or town committees and the state committees of the respective parties the names of those candidates.

(c) Procedure for general elections.

(1) Number of names checked on voting lists. The local election authority shall, within fifteen days after a general election, certify to the state secretary the total number of voters checked on the voting list at that election in each precinct of the city or town. In the case of a state election, the local election authority shall send a duplicate copy, sealed, to the state secretary, who shall transmit it to the governor and council.

(2) Transmission of records of state general election.

(i) To state secretary. The local election authority shall, within ten days, but in Boston fifteen days, transmit to the state secretary copies of the records of votes cast for: United States senator, representative in congress, governor, lieutenant governor, attorney general, state secretary, state treasurer, state auditor, governor's councillor, state senator, state representative, district attorney, clerk of courts, register of probate and insolvency, sheriff, presidential electors, any constitutional amendment, any law or proposed law, and

any question submitted by special law in any senatorial or representative district or in two or more cities or towns. In addition, local election authorities shall, within fifteen days after an election for state representative, transmit to the state secretary a certified copy of votes cast for all candidates for state representative in each precinct. All records shall be certified, attested, and sealed by the local election authority.

(ii) To county officers. The local election authority shall, within ten days after an election for county treasurer or register of deeds, transmit to the county commissioners, and, within ten days after an election for county commissioners, transmit to the clerk of the courts, the records of votes for those officers, certified, attested, and sealed (except that in Chelsea, Revere, and Winthrop the records of votes for register of deeds shall be transmitted to the Boston election commission).

All these copies shall be transmitted in envelopes on which shall be stated the offices and questions for which, and the districts in which, the votes were cast.

(3) Receipt by state secretary. If any copy of records of a state general election transmitted to the state secretary is not sealed, he shall immediately give notice to the local election authority which sent it to him. That local election authority shall then make another attested, certified, and sealed copy and transmit it to the state secretary. If the second copy is received by him before determination of the persons who have been elected and the original appears to be in substantial conformity, the original copy shall not be rejected. The state secretary shall have the date of the receipt of each copy of the records of votes endorsed on the envelope containing it, and, if received unsealed, a memorandum of that fact on the copy.



Section 52. Certification of results of state general elections  
by governor.

(a) Tabulation of votes by governor and council. The state secretary shall transmit to the governor and council the copies of the records of votes cast at state general elections, with their seals unbroken (section 51(c)(2)(i)). Within ten days after that delivery, the governor, with at least five councillors, shall open and examine all the copies. If any copy appears incomplete or erroneous, they may order a new copy to be made and sent to them within seven days by the local election authority. If the new copy is found to be correct and conforms to the requirements of law, it shall have the same force as a first copy. They shall tabulate the votes and determine who have been elected to the various offices and the result of the votes on any question to voters, and shall immediately transmit to the state secretary a report of this tabulation and determination. The state secretary, on request, shall furnish copies of this report. In case of a statewide recount (section 56), the state secretary shall similarly transmit to the governor and council the copies of the amended records received by him, and the governor with at least five councillors shall, if necessary, revise the tabulation and determination.

(b) Certification of results. The governor shall, in the presence of at least five councillors, certify the results of the examination of the copies of the records of votes cast for governor and lieutenant governor, for governor's councillors, for state secretary, state treasurer, state auditor, attorney general, state senators, and state representatives, and shall issue his summons to the persons elected to these offices. The governor shall issue certificates of election to the persons elected to the offices of United States senator, representative in Congress, clerk of the courts, register of probate and insolvency, sheriff, and district attorney, which shall be countersigned and transmitted by the state secretary. No certification shall be made or summons or certificate issued under this section until after 5:00 p.m. on the fifteenth day following a state election or, in case a statewide recount is

held (section 56), until the tabulation and determination under the preceding subsection have been revised in accordance with the results of the recount.

(c) Return to state secretary and transmission to legislature. After this certification, these copies shall be replaced in their respective envelopes and delivered with the certificate of examination to the state secretary, who shall on the first Wednesday in January transmit them, with schedules showing the number of ballots cast for each person voted for, to the senate and house of representatives. Except for these purposes, all these copies, both original and corrected, transmitted to the state secretary, shall remain on file in his office and be open there to inspection by any interested person.

(d) Presidential electors. The copies of the records of votes for presidential electors shall, within ten days after they have been transmitted to the state secretary, be opened and examined by the governor and council, who shall then declare by proclamation the names of the persons who have received at least twenty percent of the entire number of votes cast for electors (section 58(a)) and the number of votes received by each. The various persons who have received the highest number of votes, up to the number of electors required to be chosen, shall be considered elected at the expiration of fourteen days from the date of the proclamation, unless notice of a contest has been received by the governor (section 58(a)), and the governor shall then issue a certificate of election to each of them.

Section 53. Certification of results for county officers at state general elections.

(a) County treasurer and register of deeds. The county commissioners to whom the copies of the records of votes for county treasurer and register of deeds have been transmitted (section 51(c)(2)(ii)) shall, on the first Wednesday of the month following the election, examine those copies, determine what persons have been elected, issue certifi-

cates of election to them, and give notice to the state secretary of the name, residence, and number of votes received by each candidate in each city and town, with the name and term of office of every person elected. In Suffolk county, the Boston election commission shall, within ten days after the election of register of deeds, similarly examine the copies of the records of votes, determine who has been elected, issue a certificate, and give notice as above.

(b) County commissioners. In each county, except Suffolk and Nantucket, the judge and register of the probate court and the clerk of the courts shall be a board of examiners ("board"). If two of those offices are held by the same person in any county, the sheriff shall be a member of the board. The members of the board shall each be paid at the rate of three dollars a day for every day employed in the performance of their duties and ten cents a mile for travel to and from the place of their meeting. Their accounts shall be audited and settled by the county treasurer. The board shall meet on the first Wednesday of the month following an election for county commissioners and shall examine the copies, determine what persons have been elected, issue certificates of election to them, and give notice to the state secretary of the name, residence, and number of votes received by each candidate in each city and town, with the name and term of office of every person so elected, and shall, within three days after, deposit those copies in the office of the clerk of the courts.

(c) Examination of records of votes. If any copy of records of votes examined by the county commissioners (subsection (a)) or board of examiners (subsection (b)) appears incorrect or erroneous, they may order a new copy to be made and sent to them within seven days by the local election authority. If the new copy is found to be correct and conforms to requirements of law, it shall have the same force as a first copy.

Section 54. Reports by state secretary.

The state secretary shall report to the general court:

(a) before February 1 of each year, the number of registered voters in every city and town, and each of its precincts, at the date of the last general election;

(b) before February 1 of each year, the total number of persons who voted at that election in every city and town, and each of its precincts;

(c) before February 1, in the year following a state election, the number of votes received by each candidate for nomination and for election to a state office, and for election to a state committee, arranged by cities, towns, and districts, and a concise statement of other matters relating to elections, with any suggestions he considers advisable; and

(d) on or before September 1 of every even-numbered year, the number of registered voters, by party enrollment, arranged by city and town and by wards and precincts, if any, as reported to him by the registrars (chapter 52, section 19(d)).

SUBCHAPTER E. RECOUNTS AND CONTESTED ELECTIONS.

Section 55. Recounts.

(a) Petition. A recount of votes at any election in a ward or town (except a town containing more than 2,500 voters, where the recount shall be by precinct) may be obtained by filing with the local election authority a petition on a form provided by the state secretary.

(1) Time. The petition shall be filed before 5:00 p.m. of:

(i) the sixth day after a primary or preliminary election, and

(ii) the tenth day after a general election.

(2) Signers. The petition shall be signed:

(i) in Boston, by fifty or more voters of the ward, and

(ii) otherwise, by ten or more voters of the ward or town (precinct, in a town containing more than 2,500 voters).



Each signer shall sign as if signing a nomination petition (chapter 53, section 3(d)). One of the signers shall swear to the petition before a notary public. If the election is a primary election, the signers shall have been enrolled members of the appropriate political party on the ninetieth day before the last day to file the recount petition.

(3) Contents. The petition shall include a written request for the recount, signed by the candidate requesting the recount unless a question to voters is involved, and shall contain a statement that the signers have reason to believe and do believe:

(i) that the records of the election are erroneous, including the specific error asserted, or that challenged votes (section 3l) were cast by persons not eligible to vote (chapter 52, section 3); and

(ii) that a recount of the votes cast in the ward, town, or precinct will affect the nomination or election to a specified office, or the decision of a specified question, at the election.

(b) Discontinuance. Once a recount petition has been filed, the recount shall be discontinued only if all the principals (subsection (d)) file a written request with the local election authority.

(c) Transmission to registrars. Immediately after receiving a recount petition, the local election authority shall transmit to the board of registrars of voters:

(1) the recount petition;

(2) the envelopes or containers containing the ballots cast at the election and, where voting machines are used, containing the total sheets showing the votes cast by machine and by challenged and absentee ballots;

(3) the original tally sheets and other records; and

(4) the absentee ballot envelopes and applications corresponding to the absentee ballots cast at the election.

The registrars shall certify (chapter 53, section 3(g)) the sufficiency of the signatures on the petition (subsection (a)(2)), but they need not

certify more than one-fifth more than the required number. They shall set a date for the recount ("recount date"), which shall be as soon as practical after the last time for filing petitions (subsection (a)(1)). If the election is a state election, they shall then immediately notify the state secretary in writing of the recount date, the office or question to be recounted, the time and place, and the number of observers (subsection (d)).

(d) Observers. As used in this section, "principal" means a candidate for an office or nomination being recounted, or a person designated by all the political committees organized to favor, or to oppose, a question being recounted. Not less than three days before the recount date, the registrars shall give written notice to each principal, except that if the recount is a statewide recount (section 56) for an office at a general election, notice may be given to the state committee of a political party (chapter 51, section 1) instead of the candidate nominated by that political party. Each principal may be represented at the recount by his attorney and a number of persons, appointed in writing by him or his attorney, which does not exceed one for each registrar or assistant registrar participating in the recount; those persons, the attorney, and the principal are "observers." Each observer may watch and inspect the ballots, tally sheets, and other papers used in the recount, and may observe every act performed during the recount.

(e) Scope of recount. Only the votes for the office or question designated, and affected by the questions presented, in the recount petition (subsection (a)(3)) shall be recounted or examined. But all such votes shall be recounted, irrespective of the candidate for whom, or the answer to a question for which, they were cast. Blank, spoiled, and unused ballots shall be included in the recount.

(f) Recount procedure.

(1) Generally. On the recount date, the registrars shall recount the ballots, decide the questions presented in the petition, and reject any challenged ballot which they find was cast by a person not eligible to vote (chapter 52, section 3). On the back of each rejected ballot, a majority of the registrars shall sign a statement of the reason for the rejection. Any observer (subsection (d)) may protest a decision regarding the counting of a ballot, and a registrar shall sign on the back of each protested ballot a statement of the decision and the block number of the ballot. In addition, any principal may obtain and examine the record books and may require a count of the numbers of voters checked as having voted on the voting list and a comparison with the number appearing on the ballot box or voting machine counter. In performing their duties under this section, the registrars may be assisted by assistant registrars and may summon witnesses and administer oaths.

(2) Voting machines.

(i) Generally. Votes cast by voting machine shall be recounted by re-examining the machine results (sub-paragraph (ii)) and by comparing the records of the election, including the checked voting list, with the total sheets showing the results recorded by the voting machine.

(ii) Re-examination of machine results. Within five days of receipt by the registrars of a recount petition, a notice of contest (sections 57 and 58), or a certification by the local election authority that the machines must be prepared for an approaching election, the registrars shall re-examine, record, and certify the results recorded on the voting machines. Their certification shall be preserved and shall be received in evidence in any administrative or judicial proceeding as if the machines themselves had been produced. Observers have the same rights with respect to this re-examination as with respect to acts performed during a recount (subsection (d)).

(3) Electronic voting systems. Votes cast by electronic voting systems shall be recounted by the automatic tabulating mechanism, except that, if the recount petition so requests, the votes shall be recounted by hand.

(g) Result; transmission. When the recount is complete, the registrars shall:

(1) sign a statement of their decision of the questions presented in the recount petition;

(2) enclose and seal the recounted ballots in their envelopes or containers, and certify on the envelope or container that they have done so;

(3) enclose and seal the protested ballots (subsection (f)) in a separate envelope, and certify on it that it contains all the protested ballots. When ballots are required to be produced at any judicial proceeding, only these protested ballots shall be produced unless the court orders otherwise; and

(4) return the statement, envelopes, and containers to the local election authority, which shall amend the records according to the result of the recount. The amended records shall stand as the records of the election. The local election authority shall transmit these amended records like original records (section 51), but the amended records resulting from a statewide recount (section (56)) shall be transmitted to the state secretary within four days of the completion of the recount.

(h) Certificates of election.

(1) Cities. Notwithstanding any special law, the result of a city election shall not be officially declared until after the last day for filing a recount petition (subsection (a)(1)), and, if a recount petition has been filed, after the records of the election have been amended according to the result of the recount (subsection (g)(4)). The local election authority shall then issue certificates of election accordingly. No person elected to a city office shall act in an official capacity because of such an election before his certificate of election has been issued.



(2) Towns. If a recount for a town election results in the election of a candidate other than the one declared elected, the registrars shall sign a certificate to that effect, including the number of votes cast for each candidate for the office, and file it with the local election authority, which shall record it and deliver a certified copy of it to the residences of the candidates elected according to the certificate and previously declared elected.

Section 56. Statewide recounts.

(a) Petition. A statewide recount for a statewide office or question at any state election ("statewide recount") may be requested on a form provided by the state secretary and signed by 1,000 or more voters. The petition shall be:

(1) submitted before 5:00 p.m. of the tenth day after the election, to the registrars of the city or town where the signers are voters, for certification (chapter 53, section 3(g)) by the registrars; and

(2) filed before 5:00 p.m. of the fifteenth day after the election, with the state secretary.

Otherwise, a statewide recount petition shall meet the same requirements as other recount petitions (section 55 (a)(2) and (3)).

(b) Notice. If the number of signatures is sufficient, the state secretary shall transmit a "notice of filing of statewide recount petition" to the local election authority of every city and town, which shall then hold all materials required for the recount (sections 50 (a) and 55 (c)) and keep all voting machines locked and sealed (except if they must be prepared for an approaching election (section 55 (f)(2)(ii))), until it receives a notice either of statewide recount (subsection (c)) or of discontinuance (subsection (d)).

(c) Recount procedure. The state secretary shall then transmit to the local election authorities a "notice of statewide recount," which shall include the contents of the recount petition (section 55 (a)(3)), if

the official tabulation of the vote (sections 51(b)(2)(i) and 52(a)) shows that the difference in the number of votes cast for the two leading candidates for the office, or for the answers to the question, is less than or equal to one-half percent of the total number of votes cast for that office or on that question. The local election authority and registrars shall then proceed as if they had received a valid recount petition (section 55 (c) to (h)).

(d) Discontinuance. Otherwise (or if the leading principal (section 55 (d)), and any other principals whose numbers of votes do not differ from his by more than one-half percent of the total number of votes cast for the office or question, so request in writing), the state secretary shall transmit a "notice of discontinuance" to the local election authorities, which shall then discontinue the recount.

#### Section 57. Contested elections.

A candidate at an election who wishes to contest that election shall file a "notice of contest" with the local election authority within thirty days after that election. Unless he withdraws the notice, the local election authority shall then hold the election materials (sections 50(a) and 55(c)(2) to (4) and (f)(2)(ii)). The body for which the contestant was a candidate, the officers required to issue certificates of election, or a court of competent jurisdiction may then order the production of those materials, recount the votes, and amend any relevant record of the election.

#### Section 58. Contested elections of presidential electors.

(a) Complaint. Any candidate for presidential elector who, according to the governor's proclamation (section 52(d)), received twenty percent or more of the total number of votes cast for presidential electors (section 29 (d)(1)), may contest the election of presidential electors by filing a complaint in the supreme judicial court for Suffolk county. The complaint shall include the name of every person whose

election is contested and the ground for the contest, shall be filed within seven days after the date of the proclamation, and shall not be amended after that date.

(b) Costs. Before the action proceeds, the plaintiff shall deposit with the court, in whatever amount and with whatever sureties the court orders, a bond to pay the costs of the action if he does not prevail. If the plaintiff prevails, the commonwealth shall pay the costs.

(c) Notice. The court shall set a date for hearing by the full court, which shall be from three to seven days after the complaint is filed, and shall order a copy of the summons and complaint to be served on the state secretary and on every person whose election is contested. The court shall also order notice to be published in at least one newspaper designated by it in each county.

(d) Hearing. The parties to the action shall be the state secretary, the plaintiff, and any person whose election is contested. If more than one complaint was filed, the court may order consolidation of the actions and shall apportion the costs between them. No person shall be excused from giving evidence because it may tend to incriminate him, but he shall not be liable in any civil or criminal action, except a prosecution for perjury, for any matter relating to that evidence.

(e) Decision. The court shall immediately certify its decision to the governor, who shall then issue certificates of election accordingly. If the plaintiff does not prosecute his action, the complaint shall be dismissed.

#### SUBCHAPTER F. PROCEEDINGS OF PRESIDENTIAL ELECTORS.

##### Section 59. Proceedings of presidential electors.

(a) Meeting. The presidential electors shall meet at the state house at 3:00 p.m. on the date set by the Congress (United States

Code, title 3), and shall organize by choosing a presiding officer and a secretary. The state secretary shall call the meeting to order, call the roll of electors, and preside until a presiding officer is chosen. The secretary of the electors shall keep a journal of the proceedings and shall file it with the state secretary, who shall preserve it.

(b) Compensation. Each elector shall receive from the commonwealth three dollars per day of attendance and one dollar per five miles of travel from his residence.



Appendix A. Voting authority certificate (section 17(c))

City or Town \_\_\_\_\_  
Ward and Precinct \_\_\_\_\_  
Date \_\_\_\_\_  
Voting Authority Number \_\_\_\_\_

This certificate must be given by the voter to the election-day officer in charge of the voting machine in order to vote.

Appendix B. Application by voter for absentee ballot  
(section 34(b))

APPLICATION FOR AN ABSENTEE BALLOT

Fill out and sign if, during the hours that polling places are open on an ELECTION day, you will be absent from the city or town in which you are eligible to vote, or will be unable by reason of physical disability, or for religious reasons, to vote in person even though you will be in that city or town. Fill in parts 1, 2, and 3. Use part 4 only if applicable.

If ballot is for a PRIMARY ELECTION, specify which party's ballot is desired. If not enrolled in a political party, you may receive any party's ballot. If enrolled, only the ballot of the party in which you are enrolled may be sent.

SEND THIS APPLICATION TO THE CITY OR TOWN CLERK OR ELECTION COMMISSIONERS OF YOUR VOTING RESIDENCE as early as possible. It must be received by noon on the day before the election.

1. I, \_\_\_\_\_, apply for an absentee ballot  
for the \_\_\_\_\_.  
(Primary Election or General Election)  
If application is for a Primary Election absentee ballot designate party  
whose ballot is requested \_\_\_\_\_.  
My legal voting residence is \_\_\_\_\_  
(Street and Number)  
in \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(City or Town) (Ward) (Precinct)

2. CHECK ONE

( ) I'm a registered voter in \_\_\_\_\_.  
(City or Town)

( ) I'm a non-registered citizen living outside the  
United States whose last place of residence in the  
United States was \_\_\_\_\_.  
(City or Town)

( ) I'm a non-registered federal service person whose  
home of record is \_\_\_\_\_.  
(City or Town)

(State secretary should insert only in form for use before presidential  
election:)

( ) I'm a non-registered resident of \_\_\_\_\_  
(City or Town)  
who will be absent from that city or town until the  
last day to register for the presidential election.

\_\_\_\_\_  
(Signature) (Date)

3. CHECK ONE

( ) Mail absentee ballot to \_\_\_\_\_  
(Street and Number)  
\_\_\_\_\_  
(City or Town)  
\_\_\_\_\_  
(State or Country)

( ) Since I have no address outside the city or town from which  
the ballot may be returned in time, I will call for the ballot  
at the office of the city or town clerk or election commis-  
sioners, following certification of this application by the  
registrars, and will vote in that office, at a  
time arranged with the clerk or election commissioners.

4. DISABLED

If unable because of physical disability to cast your vote in person at the polling place, sign the following:

I certify that I will be unable by reason of physical disability to vote in person at the polling place on the date of the election.

( ) I have filed with the city or town clerk or election commissioners a certificate of permanent physical disability. (Check if applicable.)

\_\_\_\_\_  
(Signature) (Date)

- - - - -

NOT TO BE FILLED IN BY APPLICANT

We, the undersigned, a majority of the registrars of voters of the city or town of \_\_\_\_\_, certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe this applicant is a registered voter or otherwise qualified to vote in ward \_\_\_\_\_, precinct \_\_\_\_\_.

Registrars of the city or town of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appendix C. Application by family member for absentee ballot (section 34(b))

APPLICATION BY FAMILY MEMBER FOR AN ABSENTEE BALLOT FOR  
A UNITED STATES CITIZEN LIVING OUTSIDE OF THE COUNTRY  
OR A FEDERAL SERVICE PERSON

I, \_\_\_\_\_, a registered voter at  
(Name of Applicant)

\_\_\_\_\_, in \_\_\_\_\_,  
(Street and Number) (City or Town)

hereby apply for an absentee ballot for the \_\_\_\_\_  
(Primary Election

or General Election) (Designate Party if Primary Election)

for the following person. My relationship to that person is

\_\_\_\_\_.  
(Relationship)

Voter's Name: \_\_\_\_\_

Voting Address: \_\_\_\_\_,  
(Street and Number)

\_\_\_\_\_  
(City or Town)

CHECK ONE

Voter is: ( ) Registered.  
( ) Not registered.

CHECK ONE

Voter is: ( ) A United States citizen whose last place  
of residence was in \_\_\_\_\_ and is  
(City or Town)  
now living outside the country.

( ) A federal service person whose home of  
record is \_\_\_\_\_ (Includes  
(City or Town)  
family member with person in the service).

\_\_\_\_\_  
(Signature of Applicant) (Date)



The above person personally appeared before me and made oath that the above statements are true.

\_\_\_\_\_  
(Signature of Registrar)

Mail Ballot to:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street and Number or Military Address)

\_\_\_\_\_  
(City or Town)

\_\_\_\_\_  
(Country)

-----

NOT TO BE FILLED IN BY APPLICANT

We, the undersigned, a majority of the registrars of voters of the city or town of \_\_\_\_\_ certify that the person for whom this application is made is, to the best of our knowledge and belief, a registered voter or otherwise eligible to vote in ward \_\_\_\_\_, precinct \_\_\_\_\_.

Registrars of the city or town of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appendix D. Police report (section 34(c))

POLICE INVESTIGATION UNDER CHAPTER 54, SECTION  
37(a), MASSACHUSETTS GENERAL LAWS

This is to certify that, after investigation, I find that

\_\_\_\_\_ is a legal resident of  
(name of person for whom application is made)

\_\_\_\_\_

(city or town and state)

\_\_\_\_\_

(street and number)

This information was furnished to me by \_\_\_\_\_

\_\_\_\_\_

(name of informant)

residing at \_\_\_\_\_

\_\_\_\_\_

(place of residence of informant)

(Signed) \_\_\_\_\_

\_\_\_\_\_

(Police Officer)

Date \_\_\_\_\_

Appendix E. Registrar's certificate for voter (section 34(d))

PRIMARY or GENERAL ELECTION \_\_\_\_\_

(Date)

CERTIFICATE  
(For Registered Voter)

Certificate to be attached by board of registrars or  
election commissioners to communication applying for absentee  
ballot received from a registered voter.

We, the undersigned, a majority of the registrars of  
voters or election commissioners certify that, to the

best of our knowledge and belief, the signature on the  
attached communication appears to be genuine, and that we  
believe \_\_\_\_\_ is a duly  
(Name of Applicant)  
registered voter in ward \_\_\_\_\_,  
precinct \_\_\_\_\_, city or town of  
\_\_\_\_\_.

\_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) ) Registrars of Voters  
 \_\_\_\_\_) ) or Election  
 \_\_\_\_\_) ) Commissioners  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )

Instruction to City or Town Clerk or Election Commissioners

UPON RECEIPT OF ENVELOPE CONTAINING ABSENTEE  
BALLOT THE APPLICATION AND THIS CERTIFICATE  
MUST BE ATTACHED TO IT, PENDING PROCESSING.

Appendix F. Registrars' certificate for federally qualified person  
(section 34(d))

PRIMARY or GENERAL ELECTION \_\_\_\_\_  
(Date)

CERTIFICATE  
(For Federally Qualified Person)

Certificate to be attached by board of registrars or election commissioners to communication applying for absentee ballot received from a citizen of the United States living outside the country, a federal service person who is not a

registered voter, or an unregistered resident who will be absent until the last day to register for a presidential election.

We, the undersigned, a majority of the registrars of voters or election commissioners certify that, to the best of our knowledge and belief, the signature on the attached card or communication appears to be genuine, and that we believe \_\_\_\_\_  
(Name of Applicant)

is eligible to vote in ward \_\_\_\_\_, precinct \_\_\_\_\_, city or town of \_\_\_\_\_.

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_) Registrars of Voters  
\_\_\_\_\_) or Election  
\_\_\_\_\_) Commissioners  
\_\_\_\_\_)  
\_\_\_\_\_)

Instruction to City or Town Clerk or Election Commissioners

UPON RECEIPT OF ENVELOPE CONTAINING ABSENTEE BALLOT THE APPLICATION AND THIS CERTIFICATE MUST BE ATTACHED TO IT, PENDING PROCESSING.



Appendix G. General affidavit for absentee voters  
(section 34(e))

INNER BALLOT ENVELOPE AFFIDAVIT FOR REGISTERED VOTERS  
(EXCEPT FOR CERTIFIED PERMANENTLY DISABLED)

I, \_\_\_\_\_, swear (affirm)  
that I am a registered voter in the city or town of \_\_\_\_\_  
\_\_\_\_\_, Massachusetts, at \_\_\_\_\_,  
(voting address)  
in ward \_\_\_\_\_, precinct \_\_\_\_\_;  
that I will be absent from that city or town on election day  
or unable because of physical disability or for religious  
reasons to vote at my polling place; that I have carefully  
read the instructions on the ballot; that I have marked the  
ballot and sealed it in this envelope.

Signature \_\_\_\_\_

Sworn to (affirmed) before me by the above person, known to me  
or identified to my satisfaction, this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_, in the city or town of \_\_\_\_\_, state or  
country or \_\_\_\_\_, and I certify that he showed me  
the enclosed ballot unmarked, and then alone in my presence  
marked it without my seeing how he marked it, after which he  
sealed the ballot in this envelope. I had no communication with  
the above person as to how he was to vote.

Signature \_\_\_\_\_

(of authorized oath-taking official, or registrar or assistant  
registrar at student's college, or commissioned or warrant officer

or non-commissioned officer not below the rank of sergeant or petty officer in the United States military service for a federal service person, or city or town clerk or election commissioner)

Title or rank \_\_\_\_\_

Address \_\_\_\_\_

Date of expiration of commission  
(if applicable) \_\_\_\_\_

NO FEE MAY BE CHARGED BY OFFICIAL IN MASSACHUSETTS

Appendix H. Affidavit for certified permanently disabled voters (section 34(e))

INNER BALLOT ENVELOPE FOR CERTIFIED PERMANENTLY DISABLED VOTERS.

I, \_\_\_\_\_, swear (affirm) that I am a registered voter in the city or town of \_\_\_\_\_, Massachusetts, at \_\_\_\_\_, in  
(voting address)  
ward \_\_\_\_\_, precinct \_\_\_\_\_; that I will be unable to vote at my polling place on election day; that I have carefully read the instructions on the ballot; that I have marked the ballot and sealed it in this envelope.

Signature \_\_\_\_\_

FOR CERTIFIED PERMANENTLY DISABLED VOTERS, THERE IS NO NOTARIZATION REQUIREMENT.

Appendix I. Affidavit for federally qualified person  
(section 34(e))

INNER BALLOT ENVELOPE AFFIDAVIT FOR FEDERALLY QUALIFIED  
PERSON.

I, \_\_\_\_\_, swear (affirm) that

I am a federally qualified person eligible to vote in the city or  
town of \_\_\_\_\_ Massachusetts, at \_\_\_\_\_,  
(voting address)

in ward \_\_\_\_\_, precinct \_\_\_\_\_; that I will be  
absent from that city or town on election day; that

CHECK ONE

- ( ) I am a federal service person or relative accompanying  
such a person whose home of record is the above city or  
town.
- ( ) I am a United States citizen residing outside the United  
States whose last residence in the United States was the  
above city or town and have a card of identity or valid  
passport issued by the Secretary of State of the United  
States.

(State secretary should insert only in form for use before presidential election:)

- ( ) I am a resident of the above city or town who will be  
absent from that city or town until the last day to regis-  
ter for the presidential election.

I was born on \_\_\_\_\_ in \_\_\_\_\_,  
(date of birth) (city or town)  
\_\_\_\_\_.  
(state or country)

I have carefully read the instructions on the ballot, have marked  
the ballot, and sealed it in this envelope.

Signature \_\_\_\_\_

Sworn to (affirmed) before me by the above person, known to me or identified to my satisfaction this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, in the city or town of \_\_\_\_\_, state or country of \_\_\_\_\_, and I certify that he showed me the enclosed ballot unmarked, and then alone in my presence marked it without my seeing how he marked it, after which he sealed the ballot in this envelope. I had no communication with the above person as to how he was to vote.

Signature \_\_\_\_\_

(of authorized oath taking official, or registrar or assistant registrar at student's college, or commissioned or warrant officer or non-commissioned officer not below the rank of sergeant or petty officer in the United State military service for a federal service person)

Title or rank \_\_\_\_\_

Address \_\_\_\_\_

Date of expiration of commission  
(if applicable) \_\_\_\_\_

NO FEE MAY BE CHARGED BY OFFICIAL IN MASSACHUSETTS



## CHAPTER 56. CAMPAIGN FINANCE.

### SUBCHAPTER A. GENERAL PROVISIONS

#### Section 1. Definitions.

For the purpose of this and the following chapter, unless a different meaning clearly appears either explicitly or from context:

(a) "Candidate" means an individual who seeks nomination or election to public office (which does not include political party committees), except for member of a representative town meeting, whether or not he is nominated or elected. An individual seeks nomination or election if he:

(1) has received a contribution or made an expenditure, or has given his consent for another person or committee to do so for the purpose of influencing his nomination or election, even if the office for which he will seek nomination or election is unknown at the time the contribution is received or the expenditure is made;

(2) has taken action necessary under the Election Law to qualify himself for nomination or election; or

(3) holds elective public office, whether elected or appointed to that office, and he or his committee has received a fundraising-activity contribution or made a fundraising-activity expenditure (subsection (g)).

(b) "Contribution" means a contribution of money or a thing of value to an individual, political committee, or person acting on his or its behalf, for the purpose of influencing the nomination or election of the individual, or of promoting or opposing a position on a question to voters. The term includes any:

(1) gift, subscription, loan, advance, or deposit of money or a thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business;

(2) transfer of money or a thing of value between political committees;

(3) payment or compensation, by a person other than the candidate or political committee, for personal services rendered to the candidate or committee;

(4) payment for tickets, advertisements or other devices in connection with a fundraising-activity, including a testimonial, conducted on behalf of the candidate, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered;

(5) discount or rebate not available to other candidates for the same office and to the general public; or

(6) forgiveness of indebtedness or payment of indebtedness by another.

The term does not include rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, or the payment by those rendering these services of whatever personal expenses are incidental to the services, or the exercise of ordinary hospitality.

(c) "Depository", when used as an adjective, refers to a candidate or committee required to designate a depository bank or trust company (section 11), or the treasurer of that committee.

(d) "Director" means the director of campaign and political finance.

(e) "Election" (chapter 50, section 2(e)) includes a caucus.

(f) "Expenditure" means an expenditure of money, or thing of value, by an individual, political committee, or person acting on his or its behalf, for the purpose of influencing the nomination or election of a candidate, or of promoting or opposing a position on a question to voters. The term includes:

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or a thing of value; and

(2) a transfer of money or a thing of value between political committees.

(g) "Fundraising-activity contribution or expenditure" means a receipt or disbursement of money or a thing of value for tickets, advertisements, or other devices in connection with any fundraising activity (including a testimonial), regardless of the purpose of that activity, for an individual who is or becomes a candidate. This receipt or disbursement is a "contribution" or "expenditure" even if the individual becomes a candidate only after the receipt or disbursement is made, or as a result of it.

(h) "Political committee" means any group of persons, including a national or regional committee, which receives contributions or makes expenditures. The term includes political party committees (chapter 51).

Section 2. Director of campaign and political finance.

(a) Commission to appoint. The chairman of the state committee of each of the two leading political parties, the state secretary, and the dean of a law school located in the commonwealth shall serve as a commission for selecting the director of campaign and political finance. The governor shall select and appoint the dean who shall serve for six years or until he ceases to be dean, whichever occurs first. The governor shall select and appoint a successor dean to the commission within thirty days after a vacancy in that office. The state secretary shall be chairman of the commission.

(b) Qualifications; appointment; term. The director shall be a resident of the commonwealth. He shall not engage in any political activities of any kind, or hold another public office. He shall be selected by unanimous vote of the commission, and shall serve for six years and until his successor assumes office. The committee shall select a successor director at least thirty days before the expiration of

the term of the incumbent director and within sixty days after a vacancy in that office. If the office of director is vacant for ten or more days during the period from the September state primary election to the one hundred twentieth day after the following regular state general election, the state secretary shall appoint a temporary director, who shall serve until a successor director is selected under this section. A director may serve more than one term.

(c) Removal. The director may be removed from office only by unanimous vote of the commission members then serving. Removal of the director shall be at the discretion of the commission and shall not be reviewable.

(d) Employees. The director shall appoint at least one full time accountant, one full time clerk, two full time investigators, one full time secretary, and at least one, but not more than three, additional part time aides. These positions shall not be subject to the civil service law (chapter 31).

(e) Powers and duties.

(1) The director shall devote full time to his duties during normal business hours and shall receive an annual salary of \$22,850. He may advise and consult with legislative committees, members of the general court and other persons affected by laws under his jurisdiction, and advocate and sponsor legislation.

(2) The director shall make available to investigative, accounting, and law enforcement agencies of the commonwealth all information necessary or useful to fulfill their duties under this chapter. He may issue rules and regulations consistent with this chapter and the administrative procedure act (chapter 30A), shall issue interpretative bulletins, and shall answer, within a reasonable time, requests for information, interpretations, and advice which candidates, political committees, and members of the public present. All acts, decisions, and rulings of the director shall be subject to judicial review (chapter 30A, section 14) on complaint by any interested person.



(3) The director may investigate the legality, validity, completeness, and accuracy of all reports or actions which this chapter or any other law concerning campaign contributions and expenditures requires a person to file or make. For the purposes of an investigation under this chapter, the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any documents or records relevant to the inquiry. In the case of contempt by, or refusal to obey a subpoena issued to, a person, the superior court for Suffolk County or a single justice of the supreme judicial court, on application by the director, may issue to the person an order requiring him to appear before the director and to give evidence concerning the matter under investigation. Failure to obey the order of the court may be punished by the court as a contempt of court. Witnesses shall have the right to be represented by counsel and shall be sworn before testifying. Witnesses shall testify only at private hearings, and the same provisions governing the secrecy of grand jury proceedings shall govern all proceedings before the director. The director shall establish, and furnish to every witness, rules of procedure governing these hearings.

(4) If the director intends to present to the attorney general evidence of an alleged violation of this chapter, he shall so notify the alleged violator by registered mail, return receipt requested. Within ten days after receipt of the notice, the person or committee may request a hearing before the director to present evidence that a violation has not been committed or of a defense. The director shall present evidence of an alleged violation to the attorney general only after any hearing so requested and the election involved, but within two years after that election.

(5) The director shall furnish to local election authorities, at the expense of the commonwealth, forms approved by him and by the attorney general, for the submission of the statements and reports which this chapter requires. The local election authority shall transmit those forms to all candidates for nomination or election to city or town office of whom it is aware, and to all political committees required to

file with it. The director shall transmit those forms to all candidates for nomination to state or county office, of whom he is aware, and to all political committees required to file with him. The director or local election authority shall furnish the appropriate forms upon request to any person or political committee required to file a statement or report.

(6) The director shall provide a summary of this chapter and all other laws of the commonwealth relating to political contributions and expenditures to all candidates and political committees required to file with him. He shall furnish to local election authorities, at the expense of the commonwealth, enough copies of the summary so that each may provide a copy to all candidates and political committees required to file with it.

Section 3. Political committees.

(a) Statement of organization. Every non-elected political committee shall file with the director but, if organized for a city or town election only, with the local election authority, a "statement of organization," which shall include:

(1) the name of the political committee, which shall include the name of the candidate (if any) on whose behalf the committee is organized;

(2) the committee's address;

(3) a statement of the purpose for which it is organized;

(4) the name and residential address of the chairman and the treasurer;

(5) the name, residential address, and title of other principal officers, including officers and members of the finance committee (if any);

(6) the name and address (if known) and party enrollment of each candidate the political committee is supporting. If a candidate is nominated other than by a political party, however, the committee may omit the name of his political party; and

(7) if organized on behalf of a candidate, his written consent.

A candidate shall consent to only one committee.

(b) Change in statement of organization. A change in the contents of a statement of organization shall be reported to the director, but, if organized for the purpose of a city or town election only, to the local election authority, within ten days after the change.

(c) Political committee treasurer. Every political committee shall have a treasurer who shall qualify for his office by filing a written acceptance with the director, but if organized for the purpose of a city or town election only, with the local election authority. The treasurer shall remain subject to the duties and liabilities which this chapter imposes until his written resignation or his successor's written acceptance is filed. A person acting on behalf of any political committee shall not receive a contribution, make an expenditure, or incur any liability, unless a statement of organization is filed and a treasurer is qualified, under this section or the political party committee law (chapter 51, sections 1(d)(1) and 2(b) and (f)(1)), whichever applies. A treasurer shall maintain and preserve the same records required of a candidate (section 7).

(d) Funds. No expenditure shall be made on behalf of a political committee without the authorization of the chairman or treasurer, or their designated agents. All funds of a political committee shall be kept separate from personal funds of its officers, members, or associates.

#### SUBCHAPTER B. REGULATION OF CONTRIBUTIONS AND EXPENDITURES.

##### Section 4. Who may make contributions and expenditures.

(a) General rule. No person or group of persons, including a corporation formed under the non-profit corporation law (chapter 180), shall receive any contribution or make any expenditure, or promise to do either, unless this chapter permits it.

(b) Individuals. An individual may make contributions to:

(1) candidates or non-elected political committees organized on behalf of candidates;

(2) political committees organized on behalf of a political party; and

(3) non-elected political committees not organized on behalf of a candidate or political party.

In any calendar year, however, an individual's aggregate contributions to any one candidate and the non-elected political committee organized on that candidate's behalf shall not exceed one thousand dollars; his aggregate contributions to political committees of any one political party shall not exceed one thousand dollars; and his aggregate contributions to non-elected political committees not organized on behalf of a candidate or political party shall not exceed one thousand dollars. If an individual is less than eighteen years old, his aggregate contributions shall not exceed twenty-five dollars in any calendar year. A candidate may make expenditures without limitation for his own campaign and may make contributions without limitation to a non-elected political committee organized on his behalf.

(c) Committees.

(1) A political committee organized or operating on behalf of a candidate for governor, lieutenant governor, attorney general, state secretary, state treasurer, or state auditor may receive contributions and make expenditures for reasonable and necessary expenses directly related to the campaign of the candidate. No such committee, other than the state committee of a political party, may contribute to any other political committee or to the campaign fund of any other candidate.

(2) Any other political committee or person acting on its behalf may receive contributions and make expenditures for:

(i) aiding or promoting the success or defeat at an election of the candidate, political party, position on a question to voters, or other purpose for which it is organized;



(ii) enhancing the political future of the candidate or the purpose for which it is organized; and

(iii) other purposes which this chapter expressly authorizes.

It may also contribute to other political committees and the campaign funds of other candidates. In any calendar year, however, aggregate contributions which a committee organized on behalf of a candidate makes to all other such committees shall not exceed fifteen hundred dollars; aggregate contributions it makes to a single such committee shall not exceed one hundred dollars.

(3) A committee shall not make an expenditure primarily for a candidate's or other person's personal use. A committee may place surplus funds in an interest bearing savings account, but may not invest its funds or other things of value in any other way.

(d) Corporations. As used in this chapter, "corporation" means:

(1) a corporation which carries on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company;

(2) a company which has the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town; or

(3) a business corporation incorporated under the laws of, or doing business in, the commonwealth; or an officer or agent acting on its behalf or a trustee owning or holding the majority of its stock. No corporation shall directly or indirectly, make or promise to make any contribution or expenditure, except to influence or affect the vote on a question to voters which materially affects the property, business, or assets of the corporation. A question to voters solely concerning the taxation of the income, property, or transactions of individuals does not materially affect the property, business, or assets of the corporation. A person, political committee, or person acting on its behalf, shall not solicit or receive from a corporation any expenditure, contribution, or promise to make either, which is prohibited by this subsection.

Section 5. Use of checks.

An individual, political committee, or person acting on his or its behalf shall accept a contribution of money from a person or political committee whose aggregate contributions exceed fifty dollars in any calendar year only if the contribution which makes the aggregate amount more than fifty dollars, and all subsequent contributions, are by check or other negotiable instrument. An individual, political committee, or person acting on his or its behalf shall make expenditures of more than fifty dollars only by check.

Section 6. Information disclosed by contributor.

A person who directly or indirectly makes a contribution shall do so only in his own name, shall when he makes the contribution make known his name and residential address to the person receiving the contribution, and shall not make the contribution in any way which deliberately disguises its true origin. A trust, foundation, or association, other than a political committee, which makes a contribution shall disclose the names and addresses of its principal officers to the person receiving the contribution. A candidate, political committee, or person acting on its behalf shall not knowingly receive a contribution or knowingly enter it or have it entered in the records of the candidate or committee unless this section has been complied with.

SUBCHAPTER C. DISCLOSURE OF CONTRIBUTIONS  
AND EXPENDITURES.

Section 7. Records.

(a) Contents. A candidate and the treasurer of a political committee (section 3(c)) shall maintain separate and distinct records of all contributions and expenditures which he, or a person acting on his behalf, respectively receives or makes. An authorized agent may maintain the records, but the candidate or treasurer shall be liable for them. The records shall include the following information for each contribution received and expenditure made in a reporting period:

(1) the amount or value and the date of each contribution, and the name and residential address of each person who contributed in a reporting period an aggregate of fifteen dollars or more, but, in the case of a depository candidate, an aggregate of twenty-five dollars or more; the amounts or values of his contributions; and the dates of his contributions. This paragraph does not apply to fundraising-activity contributions;

(2) the amount or value and the date of each fundraising-activity contribution, and the name and residential address of each person who contributed in a reporting period an aggregate of fifteen dollars or more, but, in the case of a depository candidate, an aggregate of twenty-five dollars or more; the amount or value which he contributed; and the date on which he contributed it;

(3) the amount or value, the date, and the purpose of each expenditure made, and for each aggregate expenditure to a person in excess of twenty-five dollars in a reporting period, his name and address and a receipted bill stating the amount or value, the date, and the purpose of the expenditure. This paragraph does not apply to fundraising-activity expenditures; and

(4) the amount or value, the date, and the purpose of each fundraising-activity expenditure, and the name and address of every person to whom such an aggregate expenditure in excess of twenty-five dollars was made.

(b) Preservation. The candidate and treasurer shall preserve the records which this section requires each to maintain for not less than the term of the office the candidate seeks.

## Section 8. Reports.

(a) Filing reports generally. A candidate and a treasurer of a political committee shall each file reports of contributions received and expenditures made on forms which the director shall provide. They shall file the reports with the director but, if the candidate seeks public office at a city or town election or if the committee is organized

for the purpose of a city or town election, with the local election authority. A committee organized (section 3) to favor or oppose a position on a question to voters shall file its reports with the director if the question appears on the ballot at a state election, and with the local election authority if the question appears on the ballot at a city or town election. They shall file the reports even if no contribution was received or expenditure made during the reporting period (section 9).

(b) Last day to file.

(1) A candidate for nomination or election to the general court and a non-elected political committee organized on his behalf shall file reports:

(i) each year on or before January 10;

(ii) at least eight days before a state primary or general election, or convention to fill a vacancy;

(iii) on or before the thirtieth day after a special state general election; and

(iv) on January 10 of the year following a state general election, as a final report.

(2) A candidate for nomination or election to city or town office and a non-elected political committee organized on his behalf shall file reports:

(i) each year on or before January 10;

(ii) at least eight days before a city or town primary, preliminary, or general election, or caucus; and

(iii) if the candidate seeks city office, on or before January 10 of the year following a regular city general election, or the thirtieth day after a special city general election; if the candidate seeks town office, on or before the thirtieth day after the town general election. This report is the final report.

(3) A depository candidate, a depository non-elected political committee, and the treasurer of a depository state committee shall file reports:



- (i) each year on or before January 10;
- (ii) no later than three days after designating a depository; and

- (iii) on or before January 10 of the year following the regular state general election, as a final report.

(4) A political committee organized to favor or oppose a question to voters at a state election shall file reports:

- (i) the day the committee is organized (section 3);
- (ii) each year on or before January 10;
- (iii) on or before the sixtieth day before the election;
- (iv) after that sixtieth day and until the election, on or before the fifth and twentieth day of each month; and

- (v) on the fifth day of each month after the election until it has discharged all its declared liabilities.

(5) A political committee organized to favor or oppose a position on a question to voters at a city or town election shall file reports:

- (i) the day the committee is organized (section 3);
- (ii) each year on or before January 10;
- (iii) on or before the thirtieth day after the election;

and

- (iv) after that thirtieth day, on the fifth day of each month until it has discharged all its declared liabilities.

(6) A political committee to which this subsection does not otherwise apply and which aids or promotes the success or defeat of one or more candidates or favors or opposes a position on a question to voters at a state election, shall file reports as if for the general court (paragraph (1)).

(7) A political committee to which this subsection does not otherwise apply and which aids or promotes the success or defeat of one or more candidates or favors or opposes a position on a question to voters, at a city or town election, shall file reports as if for city or town office (paragraph (2)).

(8) Contributions which a candidate or political committee receives after the last date for which this chapter (section 9) requires disclosure of contributions in the final report and which are for the preceding election, shall be disclosed in an additional report filed on January 10 of the year after the last report filed.

(9) A candidate who is not a depository candidate, and who has not taken action necessary under the Election Law to qualify himself for nomination or election, need only file the final report required by this subsection.

#### Section 9. Reporting periods.

A report (section 8) shall be cumulative during the calendar year to which it relates and complete as of the tenth day before the last day to file, with these exceptions:

(a) The first report filed by a depository candidate or committee (section 8(b)(3)) shall be complete as of the day the depository is designated;

(b) The first report filed as to a question to voters (section 8(b)(4) and (5)) shall be complete as of the day the committee is organized;

(c) The report filed on or before the sixtieth day before an election as to a state question to voters (section 8(b)(4)(iii)) shall be complete as of that sixtieth day;

(d) The subsequent reports filed as to a state question to voters (section 8(b)(4)(iv) and (v)) shall be complete as of the first or fifteenth day of each month, respectively;

(e) The first post-election report filed as to a city or town question to voters (section 8(b)(5)(iii)) shall be complete as of the thirtieth day after the election; and

(f) The subsequent reports filed as to a city or town question to voters (section 8(b)(5)(iv)) shall be complete as of the first day of each month.

If a report which a candidate or political committee files on or before January 10 (section 8(b)(1)(i), (2)(i), (3)(i), (4)(ii) and (5)(ii)) is the

first report which the candidate or committee has filed, it shall cover the period beginning the day after the respective state, city, or town general election. If that report is not the first report which the candidate or committee has filed, it shall cover the period beginning either January 1 of the year before the year of the last day to file, or the day after the last day through which this section requires the previous filed report to be complete, whichever date is later.

Section 10. Contents of reports.

(a) Items disclosed. A report (section 8) shall disclose the following for each respective reporting period:

(1) the amount of money on hand on the day the reporting period begins;

(2) the total amount of value of all contributions except those disclosed separately under this subsection (paragraphs (4), (5), (6), and (7));

(3) the name and residential address, listed alphabetically, of each person who contributed an aggregate of fifteen dollars or more, but, in the case of a depository candidate or committee, twenty-five dollars or more; the amount or value and the date of his contributions; and the total of all contributions so disclosed. Contributions separately disclosed under this subsection (paragraphs (4), (5), (6) and (7)), however, shall not be included in the contributions disclosed pursuant to this paragraph;

(4) the total amount or value of all fund-raising activity contributions for which the contributor need not be disclosed (paragraph (5));

(5) the name and residential address, listed alphabetically, of each person who made an aggregate fund-raising activity contribution of fifteen dollars or more, but, in the case of a depository candidate or committee, twenty-five dollars or more; the amount or value and the date of his payments; and the total of all contributions so disclosed;

(6) the name and residential address, listed alphabetically, of each person to whom money or a thing of value was lent or from

whom it was borrowed, or who was an endorser of the loan, and the amount or value and the date of the loan;

(7) the name and address, listed alphabetically, of each candidate or political committee from which or to which a transfer of money or anything of value was received or was made; and the amount or value and the date of the transfer.

(8) the total amount or value of expenditures except fund-raising activity expenditures (paragraphs (10) and (11));

(9) the name and residential address, listed alphabetically, of each person to whom an expenditure of twenty-five dollars or more was made; the amount or value, the date, and the purpose of each expenditure; and the total of all expenditures so disclosed. If the report is filed by a political committee supporting more than one candidate, the report shall also disclose for each expenditure listed the name and address of the candidate on whose behalf the committee made the expenditure, the office he holds, if any, and that which he seeks. Fundraising-activity expenditures (paragraphs (10) and (11)), however, shall not be included in the expenditures disclosed under this paragraph.

(10) the total amount or value of all fund-raising activity expenditures for which the recipient need not be disclosed (paragraph (11));

(11) the name and address, listed alphabetically, of each person to whom was made a fundraising-activity expenditure of twenty-five dollars or more in a reporting period ; the amount or value, the date, and the purpose of each expenditure; and the total of all expenditures so disclosed;

(12) the amount of, and the date incurred for, each outstanding liability; the name and address of the person to whom the liability is owed; and a complete explanation of the purpose for which it was incurred;



(13) the name and address of each bank or other financial institution used;

(14) if a political committee is to be dissolved, a statement of the intended or actual disposition of residual funds;

(15) for final reports required to be filed on January 10 (section 8), a statement of the intended or actual disposition of residual funds;

(16) the sum of fundraising-activity contributions (paragraphs (4) and (5));

(17) the sum of fundraising-activity contributions (paragraph (16)) minus the sum of fundraising-activity expenditures (paragraphs (10) and (11));

(18) the sum of all contributions made (paragraphs (2), (3), (6), (7), and (17)); and

(19) the sum of all expenditures made (paragraphs (8) to (11)).

(b) No change. Where there has been no change in an item included in a previous report, only the amount previously reported shall be carried forward.

## Section 11. Depository candidates and committees.

(a) Offices included. A candidate for governor, lieutenant governor, state secretary, attorney general, state treasurer, state auditor, governor's councillor, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, county treasurer, and sheriff, and in addition the treasurer of a state committee (chapter 51, section 1) and the treasurer of the non-elected political committee authorized by any of the above candidates shall designate as a depository for his or its campaign funds a national bank authorized to transact business in the commonwealth or a trust company organized under the law of the commonwealth. The treasurer or candidate shall respectively make the designation immediately after the organization of the political committee or immediately after he becomes a candi-

date (section 1(a)(1) and (2)). The candidate and treasurer shall each file with the director, within three business days after the designation, a certificate containing the name of the depository bank or trust company and the name of the candidate or political committee, and authorizing the depository bank or trust company to file the statements which this section (subsection (e)) requires.

(b) Depositing contributions. A depository candidate or treasurer shall deposit a contribution in the form in which he receives it in the depository within three business days after its receipt. A deposit shall be made or received only by a deposit slip stating the name and address of each person who contributed twenty-five dollars or more. The deposit slip shall also state this information for each person who contributed an aggregate of twenty-five dollars or more during the fourteen days before the date of deposit. If the contributor is a trust foundation or other association, the deposit slip shall also state the information required in a report (section 8). If a deposit represents the proceeds of a loan, the deposit slip shall indicate the names and addresses of the lender, the persons liable either primarily or secondarily for any portion of the loan, and the persons providing collateral, if any, for the loan.

(c) Expenditures. A depository candidate or committee and any person acting for him or it shall:

(1) pay for services or goods in excess of fifty dollars only by check drawn on the depository and bearing these words:

Campaign Account - (name of candidate or political committee) - The undersigned affirms under penalties of perjury that he is the payee of this check or his or its authorized officer, that he or it performed the services or delivered the goods indicated here, that the payment is solely for paying for those goods or services, and that no person other than the payee has an interest, direct or indirect, in this payment.

## PURPOSES OF PAYMENT

(Check One and Fill in Specific Purpose)

TV, Radio ...	Printing .....	Signs or Displays ....
Newspaper ...	Office .....	Transfer of Fund ....
Meetings .....	Travel .....	Other .....
Specific Purpose .....		

and

(2) secure the signature of the payee or its authorized agent to the above affirmation.

All checks for fifty dollars or more shall be payable to the order of a named payee who is not the candidate or treasurer. A check for less than fifty dollars may be payable to the candidate or treasurer only if the total of all such checks does not exceed five hundred dollars during each statement period (subsection (e)).

(d) Funds to cover expenditures. A depository candidate or treasurer shall not authorize an expenditure on behalf of the candidate or committee unless there is enough money on deposit in the depository to make the expenditure and all other expenditures previously authorized and still outstanding, or unless the candidate or treasurer files with the director on or before the last day to file statements (subsection (e)) a statement of all outstanding obligations, the terms of their payment, the purpose of the expenditure which created the obligation, and the name and address of the obligee.

(e) Filing statements. The cashier or treasurer of the depository shall file with the director, no later than the fifth and twentieth day of each month during which the depository account exists, a statement containing:

(1) the balance as of the first or fifteenth day of the month, respectively;

(2) a summary of all deposit slips presented to the bank since the last such statement;

(3) the information for each contributor which appeared on the deposit slip, listed alphabetically; and

(4) a list of checks presented to the bank since the last such statement including the name and address of each payee, the amount of each check, and the purposes for which the money was paid as indicated on the check.

(f) Term of depository accounts. Depository accounts shall remain in existence until the election and as long after it as a candidate or committee has outstanding obligations. A depository candidate or treasurer who has outstanding obligations shall file with the director no later than the fifth day of each month a summary of all campaign contributions received during the preceding month, the name and address and other information required for each contributor in a report (section 8).

(g) Fine. Any candidate or political committee which fails to file any report required by this section shall be assessed by the director a penalty not greater than ten dollars for each day such candidate or political committee has not filed such report, paid to the state treasurer.

## Section 12. Campaign media expenses.

(a) Definition. As used in this section, "campaign media expenses" means only those liabilities incurred, or expenditures made, for television or radio time or for newspaper, billboard, or magazine advertising, advertising agency assistance, public relations, printing, opinion polling, computer, telephone, telegraph, and postage expenses for mailing of campaign literature on behalf of the candidate, for use during the calendar year of the election, whether the liabilities were incurred or expenditures made before or during that calendar year. The term includes only the liabilities incurred, or expenditures made, on behalf of the candidate, by him, a non-elected political committee organized on his behalf, or another person who acted with his prior knowledge and consent.



(b) Report by depository candidate. Depository candidates shall file a report of their campaign media expenses with the director in the year of:

- (1) a regular state election, on or before:
  - (i) March 10,
  - (ii) June 10,
  - (iii) the eighth day before a regular state primary election,
  - (iv) the eighth day before a regular state general election, and
  - (v) January 10 of the following year; and
- (2) a special state election, on or before:
  - (i) the thirtieth and eighth days before a special state primary election or convention,
  - (ii) the eighth day before a special state general election, and
  - (iii) January 10 of the following year.

(c) Report by candidate for general court. A candidate for the general court shall file a report of his campaign media expenses with the director in the year of:

- (1) a regular state election, on or before:
  - (i) the eighth day before a regular state primary election,
  - (ii) the eighth day before a regular state general election, and
  - (iii) January 10 of the following year; and
- (2) a special state election, on or before:
  - (i) the eighth day before a special state primary election, including a convention to fill a vacancy (chapter 53, section 6(a)(1)(iv)),

(ii) the eighth day before a special state general election, and

(iii) the thirtieth day following a special state general election.

(d) Contents of reports. Each report shall include the name and address of each person to whom a liability exists or an expenditure was made, and the amount or value, date, and purpose of the liability or expenditure. Reports shall be cumulative.

(e) Reporting periods. A report which this section requires shall be complete as of the tenth day before the last day to file, but a report which this section requires to be filed on January 10 shall be complete as of the last day of the year of the election. The first report which this section requires shall cover the period beginning January 1 of the election year; subsequent reports shall cover the period beginning the day after the last day through which this subsection requires the previous filed report to be complete.

(f) Report by person furnishing media services. A person, firm, or corporation establishing an account receivable or receiving payment for campaign media expenses from a candidate or political committee subject to this section or a person acting on the candidate's behalf shall file a report with the director on or before the first day of each month in which the account remains open or payment is received. A report shall be complete as of the twentieth day of the previous month.

### Section 13. Reports by corporations.

(a) Filing reports. The treasurer of a corporation (section 4(d)) which has made or promised to make a contribution or expenditure to influence or affect the vote on a question to voters which materially affects the property, business, or assets of the corporation shall file reports with the director, which include the amount or value of every expenditure or contribution, or promise to expend or contribute, and the date, purpose, and name and address of the person to whom it was made.

(b) Last day to file. These reports shall be filed:

(1) sixty days before the election;

(2) on or before the fifth and twentieth day of each month, complete as of the first or fifteenth day respectively of the preceding month, until the election; and

(3) after the election, on or before the fifth day of each month until all declared liabilities have been discharged.

Section 14. Accounting to committee treasurer.

A person acting on behalf of a political committee who receives money or its equivalent, or the promise of it, or who expends or incurs a liability, shall, on demand, but no later than three business days after, give to the committee treasurer a detailed account and all receipted bills which this chapter requires, which the treasurer shall maintain as part of his records.

Section 15. Filing of reports.

(a) Where filed. A report or statement which this chapter requires a candidate, treasurer, or other person to file shall be filed with the director for state elections and the local election authority for city and town elections. All reports or statements shall be signed under the penalties of perjury.

(b) Retention and availability. The director or local election authority shall retain statements and reports filed with him or it until the term of the office which the candidate seeks has ended. In the case of political committees other than those authorized by a candidate, the director or local election authority shall retain statements and reports filed with him or it for two years. As soon as statements and reports are filed, they are public records (chapter 50, section 5). The director shall maintain a copying machine for copying these statements and reports at a commercially reasonable fee.

(c) Inspection. Within thirty days after the last day to file under this chapter, the director or local election authority shall inspect statements and reports which candidates or non-elected political committees organized on their behalf have filed with them. Within sixty days after the last day to file under this chapter, the director or local election authority shall inspect all other statements and reports filed with them. If it appears to the director or local election authority, as the case may be, that a candidate or political committee failed to file a statement or report under this chapter, or that a statement or report does not conform to law, or if five registered voters file a written complaint that a candidate or political committee has failed to file a statement or report or that a statement or report does not conform to law, the director or local election authority, as the case may be, shall so notify the delinquent person in writing. The complaint shall state in detail the grounds of objection, shall be sworn to by one of the voters, and shall be filed with the director or local election authority within ten days after the last day to file, or within ten days after the actual filing of a statement or report or an amended statement or report.

(d) Failure to file. If a person or committee fails to file a statement or report within ten days after receiving notice from the director or local election authority (subsection (c)), or if a statement filed after receiving that notice discloses a violation of this chapter, the director (section 2), or the local election authority, as the case may be, shall notify the attorney general of the alleged violation and shall furnish him copies of all documents relating to it. The attorney general, within two months after, shall examine the case, and, if satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for appropriate criminal action.

(e) Jurisdiction of courts. The supreme judicial or superior court may order a person who fails to file a statement or report, or who files one not in accordance with this chapter, to file a sufficient



statement or report, on the application of the attorney general or district attorney, or the complaint of a candidate in, or of five persons eligible to vote at, the election to which the statement or report relates. The complaint must be filed within thirty days after the last day to file the relevant statement or report, but within thirty days after its actual filing if it was filed late. Proceedings under this section shall be advanced for speedy trial at the request of either party. No complaint brought under this chapter shall be discontinued without the consent of the attorney general.

(f) Witness immunity. No person compelled to testify in any proceedings under this section (subsection (e)) shall be subject to criminal prosecution for any testimony he gives, except for perjury committed in that testimony.

#### SUBCHAPTER D. PUBLIC FINANCING.

##### Section 16. Definitions.

As used in this subchapter, unless a different meaning clearly appears from the context:

(a) "Statewide elective office" means the office of governor, lieutenant governor, attorney general, state secretary, state treasurer, and state auditor.

(b) "Qualifying contribution" means any contribution made by an individual and deposited in the depository of a candidate or his committee during an election year or the preceding calendar year. A contribution is not a qualifying contribution unless a report (section 8) discloses the contributor's name and address. A contribution is not a qualifying contribution to the extent that it exceeds \$250 or would exceed \$250 when added to any contribution which the same contributor made during those two years. A qualifying contribution for the primary election may also be a qualifying contribution for the general election in that election year; a contribution does not remain a qualifying contribution after the end of that year.

(c) "Election year" means a calendar year in which elections are held for statewide elective office.

Section 17. Duties of state secretary and director.

(a) Certification of candidates by state secretary. On or before the ninth Tuesday before the September state primary election in any election year the state secretary shall determine and certify to the director and the state treasurer the names and addresses of all candidates for statewide elective office nominated for that primary election who are opposed by one or more candidates nominated for the same political party nomination at that primary election. On or before the fifth Tuesday before the regular state general election in any election year, the state secretary shall determine and certify to the director and to the state treasurer the names and addresses of all candidates for statewide elective office nominated for the regular state general election who are opposed by one or more candidates nominated for that election. For purposes of this subchapter, a candidate for statewide elective office for whom valid certificates of nomination or nomination petitions have been filed or who was nominated at the September state primary election has been nominated for the respective election even if:

(1) an objection is filed; or

(2) a vacancy occurs following the filing of certificates of nominations and nomination petitions, other than a vacancy caused by withdrawal of a candidate within the time allowed by law.

The state secretary shall promptly determine and certify to the director and state treasurer the name and address of any candidate no longer nominated or who no longer has opposition because of death or withdrawal or ineligibility for office, or because objections to certificates of nomination or nomination petitions have been sustained, or because of a recount, or for a similar reason.

(b) Certification of candidates by director. The director shall determine and certify to the state treasurer those candidates for statewide elective office who are eligible for public financing (section 18(a) and (c)) and the amounts due to each eligible candidate (section 18 (b) and (d)).

(c) Forms provided by director. The director shall prescribe and make available forms on which candidates shall file statements of qualifying contributions. The statement shall include:

- (1) the name and address of each contributor,
- (2) the amount of his contribution and the date of deposit,
- (3) the aggregate of all contributions that contributor made during the election year and the preceding calendar year, and
- (4) whatever other information the director reasonably requires to expedite the determinations which this chapter requires him to make.

(d) Other duties of director. The director shall notify candidates of the amount he determines to be due from them (section 21) and shall direct that they pay these amounts to the state election campaign fund. On or before January 30 of the year after an election year, the director shall prepare and submit a report concerning the matters entrusted to him under this subchapter to the clerk of the senate and to the commission (section 2(a)) and shall make copies of that report available to any person on payment of the reasonable cost of copying or reproduction.

Section 18. Qualifying amounts and maximum public financing.

(a) Qualifying amounts for primary election. A candidate for statewide elective office certified by the state secretary (section 17(a)) as nominated for, and having opposition in, the primary election is eligible to receive public financing of his primary election campaign; to the extent provided by this section (subsection (b)), on determination and certification by the director that the candidate:

- (1) has filed a request for public financing with the director together with the bond required (section 20), and
- (2) has received qualifying contributions in at least the following amounts for the following statewide elective offices:

Governor:	\$75,000;
Lieutenant Governor:	\$15,000;
Attorney General:	\$37,500;
State Secretary:	\$15,000;
State Treasurer:	\$15,000; and
State Auditor:	\$15,000.

(b) Maximum public financing for primary election campaign. A candidate eligible to receive public financing of his primary election campaign, on determination and certification by the director, is entitled to an amount equal to one dollar for each one dollar of qualifying contributions, subject to return if not spent (section 21) and subject to the following limitations:

(1) a candidate is not entitled to receive an amount in excess of the balance then remaining in the primary candidate account established for that candidate (chapter 10, section 42); and

(2) a candidate shall not receive any amount in excess of the following amounts for the following statewide elective offices:

Governor:	\$250,000;
Lieutenant Governor:	\$ 50,000;
Attorney General:	\$125,000;
State Secretary:	\$ 50,000;
State Treasurer:	\$ 50,000; and
State Auditor:	\$ 50,000.

(c) Qualifying amounts for general election. A candidate for statewide elective office certified by the state secretary (section 17) as nominated for, and having opposition in, the general election is eligible to receive public financing of his general election campaign, to the extent provided by this section (subsection (d)), on determination and certification by the director that the candidate:

(1) has filed a request for public financing with the director together with the bond required (section 20), and



(2) has received qualifying contributions in at least the following amounts for the following statewide elective offices:

Governor and Lieutenant Governor:	\$125,000;
Attorney General:	\$ 62,500;
State Secretary:	\$ 25,000;
State Treasurer:	\$ 25,000; and
State Auditor:	\$ 25,000.

(d) Maximum public financing for general election campaign. A candidate eligible to receive public financing of his general election campaign, on determination and certification by the director, is entitled to an amount equal to one dollar for each one dollar of qualifying contributions, subject to return if not spent (section 21) and subject to the following limitations:

(1) a candidate is not entitled to receive an amount in excess of the balance then remaining in the general candidate account established for that candidate (chapter 10, section 43); and

(2) a candidate shall not receive an amount in excess of the following maximum amounts for the following statewide elective offices:

Governor and Lieutenant Governor:	\$250,000;
Attorney General:	\$125,000;
State Secretary:	\$ 50,000;
State Treasurer:	\$ 50,000; and
State Auditor:	\$ 50,000.

Section 19. Method and time for determining.

Only amounts appearing in statements of qualifying contributions filed with the director, in whatever form he prescribes, shall be considered in determining whether the minimum qualifying amounts (section 18(a) and (c)) have been contributed and in determining amounts to which candidates are entitled (section 18(b) and (d)). The director shall determine and certify the eligibility of candidates on or before the

eighth, sixth, fourth and second Tuesdays before the primary election (section 18(a)) and on or before the fourth and second Tuesdays before the general election (section 18(c)). He shall determine and certify the amounts to which eligible candidates are entitled on or before the eighth, sixth, fourth and second Tuesdays before the primary election (section 18(c)) and on or before the fourth and second Tuesdays before the general election (section 18(d)). He shall base his determinations solely on information contained in the statements filed before those dates.

Section 20. Bonds.

(a) Depositing bond. No candidate is eligible to receive public financing under this subchapter until the candidate deposits with the director a bond for the faithful compliance with this subchapter by the candidate and any political committee organized on his behalf. The bond shall be in a form approved by the director, shall be signed by the candidate and the chairman and treasurer of any such committee, shall run to the commonwealth, shall be in force during the election year, and shall be in the following penal sums for the following state-wide elective offices:

Governor:	\$250,000;
Lieutenant Governor:	\$ 50,000;
Attorney General:	\$125,000;
State Secretary:	\$ 50,000;
State Treasurer:	\$ 50,000; and
State Auditor:	\$ 50,000.

(b) Default. On determination by the director that a candidate has failed to make the required payments to the state treasurer (section 21) the director may request the attorney general to bring an action in the name of the state treasurer on the bond of the candidate and his political committee, and may recover, for the benefit of the state election campaign fund, the required payments up to the sum of the bond.

The action shall be in addition to remedies otherwise available; an action on a bond shall not preclude the director from bringing any other civil or criminal proceedings.

Section 21. Return of funds to the election campaign fund.

(a) Funds not spent. Within two weeks after a primary or general election for statewide elective office, a candidate who has received public financing under this subchapter shall file a statement with the director showing the balance remaining in the candidate's depository account as of the that election, less any reserve necessary to cover debts incurred to defray campaign expenditures incurred during that election campaign. Except as provided otherwise, any candidate with a surplus balance after that election shall pay to the state treasurer for deposit to the state election campaign fund an amount determined by multiplying that surplus balance by a fraction the numerator of which is the total amount of public financing received on account of that primary election or general election campaign, and the denominator of which is the sum of that public financing and all contributions received by that candidate. A candidate with a surplus balance after the primary election is not required to make a payment because of that surplus if the state secretary certifies him (section 17) as nominated for, and having opposition in, the general election, and the director certifies him as eligible for public financing for the general election within three weeks after that primary election. In determining and certifying the amount to which any such candidate is entitled (section 18(d)), the director shall reduce the amount that would otherwise be determined by an amount equal to that which the candidate would be required to pay to the state treasurer under this section but for this provision.

(b) Overpayment to candidate. If the director determines that a portion of the payment made to an eligible candidate under this subchapter exceeded the aggregate amount of the payment to which the candidate was entitled, he shall notify the candidate and the candidate shall then pay to the state treasurer an amount equal to the excess amount.

(c) Misused funds. If the director determines that a portion of the payments made to a candidate under this subchapter for use in his election campaign was used for any purpose other than to defray campaign expenditures in that campaign, the director shall notify the candidate and the candidate shall then pay an amount equal to the full amount so used to the state treasurer without regard to the source of the funds so used.

(d) Penalty. Any candidate who fails to pay an amount determined by the director to be due within ten days of notice shall be subject to a penalty of fifty dollars per day for every day that amount remains unpaid.

Section 22. Voluntary receipt by candidate.

No candidate is required to accept public financing, and no candidate otherwise eligible for public financing shall be denied it because an opposing candidate declines to accept public financing.



## CHAPTER 57. ENFORCEMENT OF THE ELECTION LAW.

### SUBCHAPTER A. REGISTRATION AND LISTING.

#### Section 1. False resident listings.

No registrar or other listing employee shall knowingly enter or have entered on any residents list, or report as a resident of a building, any person who is not a resident (chapter 52, section 14). Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

#### Section 2. Offenses by registrars.

No registrar or assistant registrar shall:

(a) refuse or willfully neglect to require a registrant to submit an affidavit which the Election Law requires (chapter 52, section 12);

(b) knowingly prevent or attempt to prevent the registration of any eligible registrant;

(c) knowingly enter in the registered voters file the name of a person not eligible to vote; or

(d) commit fraud or corrupt conduct in the execution of the duties of his office.

Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

#### Section 3. Neglect of duty by officers.

No registrar or other listing employee shall refuse or willfully fail to perform a duty imposed by any law concerning the listing or registration of voters, or willfully perform that duty contrary to law. Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

#### Section 4. Refusal or neglect to give listing information.

No resident of a building shall refuse or neglect to give his true name when asked by a registrar or other listing employee. No owner

or occupant of a building, person in charge of a hotel or lodging house, or principal officer of a condominium association, shall refuse or neglect to give the full and true information which he knows concerning all persons residing in the building, when asked by the registrar or other listing employee (chapter 52, section 14(a)). Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Section 5. Failure to report list of residents.

No licensed innholder, keeper of a lodging house or public lodging house, building owner, or principal officer of a condominium association shall fail to make properly the reports required for the residents list (chapter 52, section 14(a)). Violation of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars.

Section 6. False listing information.

No person shall knowingly give to a registrar or other listing employee, for the purpose of the residents list (chapter 52, section 14), the name of any person as a resident of a building, who is not a resident. Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Section 7. Illegal registration.

No person shall:

(a) register or attempt to register, knowing that he is not eligible to register (chapter 52, section 1) in the precinct of registration or attempted registration;

(b) represent or attempt to represent himself as some other person to any registrar or assistant registrar;

(c) give a false answer to any registrar or assistant registrar concerning his registration or his right to vote;

(d) otherwise illegally register or attempt to register; or

(e) aid or abet any other person in doing any of the acts above. Violation of any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Section 8. False statements.

No person shall, concerning the eligibility of any person for listing or registration, knowingly or willfully:

- (a) make a false affidavit;
- (b) take a false oath;
- (c) sign a false certificate; or
- (d) aid or abet any person in doing any of the above acts.

Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Section 9. Defacing notices or lists.

No person shall willfully deface or remove a notice concerning the registration of voters, or a voting list, posted according to law (chapter 52, sections 7 and 19(a)). Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Section 10. Misconduct at registration session.

No person shall refuse to obey the lawful orders or directions of a registrar or assistant registrar, or interrupt or disturb the proceedings at any registration (chapter 52, section 8). Violation of this section shall be punished by a fine of not more than one hundred dollars.

Section 11. Electioneering at registration office.

No candidate for public office, or any person acting on his behalf, shall solicit votes or distribute campaign literature in an office where a registration session is being conducted. Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

SUBCHAPTER B. NOMINATIONS.

Section 12. Nominations offenses generally.

No person shall:

(a) falsely make or willfully alter, deface, mutilate, destroy, or suppress a certificate of nomination, nomination petition, letter of withdrawal of a name from that petition, initiative petition, or a petition for a question to voters;

(b) unlawfully sign any such certificate or petition;

(c) file any such certificate or petition which he knows is falsely made or altered;

(d) falsely or willfully alter the name of the district on a nomination petition after the signatures on it have been certified (chapter 53, section 3(g)); or

(e) falsely sign a statement on a nomination petition.

Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Section 13. Soliciting money for caucus nomination petitions.

No town committee or person acting on its behalf shall solicit from a candidate for nomination, or from anyone acting on his behalf, a payment or promise of payment of money, as a prerequisite to his obtaining from that committee or its agent caucus nomination petition forms (chapter 53, section 17). Violation of this section shall be punished by a fine of not more than one hundred dollars.

SUBCHAPTER C. CONDUCT OF ELECTIONS GENERALLY.

Section 14. Absentee voting offenses by administrative authority.

No administrative authority or its employee or agent responsible for administering the absentee voting law (chapter 55, subchapter C) shall willfully violate it. Violation of this section shall be punished by a fine of not more than one hundred dollars.



Section 15. Reading or examining unofficial ballots.

No presiding officer at a town meeting at which official ballots are not used shall, before the polls are closed and without the consent of a voter, read or examine or permit to be read or examined the names written or printed on the ballot of the voter, in order to ascertain the persons voted for by him. Violation of this section shall be punished by a fine of not more than one hundred dollars.

Section 16. Enclosing and transmitting election materials.

No election-day officer shall willfully violate any provision of the Election Law concerning the enclosing and transmitting of election materials, either before or after the votes are counted (chapter 55). Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Section 17. Failure to make proper entry on challenged ballots.

No presiding officer at an election shall, when a voter is challenged, willfully or negligently fail to require the name and residence of the voter, the name of the challenger, and the reason for the challenge to be written on the ballot before the ballot is cast (chapter 55, section 31 (c)). Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Section 18. Offenses by election-day officers.

No election-day officer shall:

- (a) knowingly make a false count of ballots or votes;
- (b) make a false statement or declaration of the result of a ballot or vote;
- (c) knowingly refuse to receive any ballot offered by a person eligible to vote;
- (d) willfully alter, deface, or destroy any ballot cast or voting list used, before the requirements of law have been complied with (chapter 55, section 50);

(e) refuse or willfully fail to perform any other duty or obligation which the Election Law requires; or

(f) with respect to a caucus, violate any caucus challenge or recount provision (chapter 53, sections 13 and 21(c)).

Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Section 19. Statements before public declaration of vote.

No administrative authority or its employee or agent shall, before the results of a vote are publicly reported, make a statement of the number of ballots cast, the number of votes received by any candidate, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls, except as expressly permitted by law (chapter 55, section 45(c)), and except for a statement of the figures on the ballot box register or the number of the last voting authority certificate. This statement shall not be considered an official declaration of the state of the polls. Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

Section 20. Examination of ballots after election.

No member of a local election authority shall examine or permit to be examined, except as required by law, cast ballots, which are received and retained by him (chapter 55, section 50(a)). Violation of this section shall be punished by a fine of not more than two hundred dollars.

Section 21. Failure to make and transmit election records.

No local election authority shall fail to make a record of votes cast at an election and to make and transmit copies of any such record as required by the Election Law (chapter 55, section 51), but mailing a copy of the records within the time for transmission or delivery, postage paid and properly addressed, is sufficient. Violation of this section shall be punished by a fine of not more than two hundred dollars.

Section 22. False certificates of election results.

No administrative authority shall willfully sign or issue a certificate not in accordance with the result of an election as shown by the records of votes cast or by a recount of those votes (chapter 55, sections 51(b), 52, and 55(h)). Violation of this section shall be punished by imprisonment for not more than one year.

Section 23. Information concerning challenged ballot.

No registrar or assistant registrar whose duty it is to recount the ballots cast at an election shall make any statement or give any information concerning a ballot cast by a voter challenged at the election, except as required by the Election Law (chapter 55, section 55). Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Section 24. Offenses by officials generally.

No administrative authority or its employee or agent at an election, or political party officer at a caucus or convention, shall violate any other provision of the Election Law. Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 25. Defacing or removing certain supplies.

No person shall:

- (a) willfully deface or remove a notice or warrant for an election posted under the Election Law (chapter 55, section 13);
- (b) before an election, willfully deface or destroy any list of candidates posted according to law;
- (c) during an election, willfully deface, tear down, remove, or destroy an instruction card or specimen ballot posted for the instruction of voters; or
- (d) during an election, willfully remove or destroy supplies or equipment furnished to enable a voter to prepare his ballot.

Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Section 26. Illegal voting.

No person at an election shall:

- (a) knowing that he is not an eligible voter in any precinct, willfully vote or attempt to vote there;
- (b) vote or attempt to vote more than once in his own name, having registered more than once;
- (c) vote or attempt to vote in more than one precinct, having registered in more than one precinct;
- (d) vote or attempt to vote in any name other than his own;
- (e) knowingly cast or attempt to cast more than one vote;
- (f) make a false statement as to his ability to mark his ballot;
- (g) allow the marking of his ballot to be seen by any person for any purpose not authorized by the Election Law (chapter 55, section 29(e));
- (h) give a false answer to or make a false oath before a presiding officer;
- (i) otherwise vote or attempt to vote illegally;
- (j) aid or abet any other person in doing an act prohibited by this section.

Violation of this section shall be punished by imprisonment for not more than one year.

Section 27. Illegal absentee voting.

No person not eligible to vote under the absentee voting law (chapter 55, section 35) shall vote or attempt to vote under it. No person eligible to vote under that law shall vote or attempt to vote in violation of it (chapter 55, subchapter C). Violation of this section shall be punished by a fine of not more than five hundred dollars and by imprisonment for not more than one year.



Section 28. Delivery of absentee ballot.

No person shall knowingly and willfully deliver an absentee ballot in any way not provided by the absentee voting law (chapter 55, sections 37 and 38). Violation of this section shall be punished by a fine of not more than five hundred dollars.

Section 29. Information about recount or challenged ballots.

No person shall give any information derived from a recount of votes or concerning a ballot cast by a challenged voter at an election or caucus, except as required by the Election Law (chapter 55, section 55). Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Section 30. Interference with voter.

No person shall willfully and without lawful authority hinder, delay, or interfere with, or aid in hindering, delaying, or interfering with, a voter:

- (a) who is on his way to an election;
- (b) who is within the voting area;
- (c) who is marking his ballot; or
- (d) who is voting or attempting to vote.

No person shall attempt to induce a voter, before he deposits his ballot, to disclose how he marks or has marked it. Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Section 31. Illegal challenging.

No person shall challenge an eligible voter for the purpose of intimidation or of ascertaining how he voted, or for any other illegal purpose. Violation of this section shall be punished by a fine of not more than one hundred dollars.

Section 32. Obstruction of voting.

No person shall willfully obstruct the voting at an election. Violation of this section shall be punished by a fine of not more than one hundred dollars.

SUBCHAPTER D. OFFENSES RELATIVE TO BALLOTS.

Section 33. Ballot offenses generally.

No person shall:

- (a) alter a ballot cast at an election;
- (b) without authority deposit a ballot in a ballot box, container, or envelope used at an election;
- (c) without authority remove a ballot from that ballot box, container, or envelope;
- (d) willfully forge or falsely make the official endorsement on a ballot;
- (e) willfully destroy or deface a ballot;
- (f) except as the Election Law authorizes, place a mark against a name on a ballot he did not cast; or
- (g) except as the Election Law authorizes, place a distinguishing mark on any ballot.

Violation of this section shall be punished by imprisonment for not more than two and one half years.

Section 34. Voting machines.

No person shall tamper with, injure, attempt to tamper with, or attempt to injure any voting machine which is to be used in an election. No person shall prevent or attempt to prevent the correct operation of the machine. No unauthorized person shall make or have in his possession a key to a voting machine which is to be used or is being used in an election. Violation of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than five years, or both.

Section 35. Ballot boxes and blank forms.

No person shall willfully or maliciously injure, tamper with, or destroy a ballot box or the blank forms or apparatus furnished to a city or town by the state secretary or by the clerks of court under the Election Law (chapter 55, section 12(d)). Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Section 36. Removing ballot; interference with transmission.

No person shall:

(a) remove a ballot from the voting area before the close of the polls; or

(b) willfully obstruct or interfere with the transmission of ballots or returns to or from a polling place or a central counting place. Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

SUBCHAPTER E. ACTS AT POLLS.

Section 37. Use of campaign materials.

No person shall post, exhibit, circulate, or distribute campaign material, or collect signatures on petitions, in a place prohibited by law (chapter 55, section 25). Violation of any provision of this section shall be punished by a fine of not more than twenty dollars.

Section 38. Smoking or possession of intoxicating liquors.

No person shall, in a polling place during an election, smoke or have in his possession a lighted pipe, cigar, or cigarette, or carry into any such place or keep there any intoxicating liquor. Any such person shall be guilty of disorderly conduct, and the presiding officer shall order him to remove the pipe, cigar, cigarette, or liquor, or to leave. A person disobeying the order shall be removed from the polling place. Violation of this section shall be punished by a fine of not more than twenty dollars.

Section 39. Disorderly conduct.

No person at an election shall behave in a disorderly way, and, after notice from the presiding officer or director of the count, persist in that behavior and refuse to leave the polling place or the central counting place (chapter 55, section 21). Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

Section 40. Detention of disorderly persons.

No person at an election shall refuse to obey the lawful command of an election officer, or by disorderly conduct interrupt or disturb the proceedings of an election-day officer. In these cases, the presiding officer may require any police officer, constable, or other person to take the offender into custody and detain him until after the election; but the presiding officer may at any time order his release. The order of detention shall not prevent the person, if a voter in that precinct, from voting. Violation of this section shall be punished by a fine of not more than one hundred dollars.

Section 41. Interference with election.

No person shall interfere, or aid or abet any person in interfering, with any administrative authority in the performance of its duties in conducting an election. Violation of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

Section 42. Report of violations by election-day officer.

Every election-day officer shall report every violation of any law concerning the conduct of elections or the counting of votes to the police officer in attendance at the polling place, and the police officer shall have the offender prosecuted.



SUBCHAPTER F. CAMPAIGN MATERIALS.

Section 43. Use of names of political parties.

No organization, other than a political party committee elected under the Election Law or a corporation organized before January 1, 1923, under the laws of this commonwealth and having as part of its name the name of a political party, shall, in order to promote the success or defeat of a political party, principle, or candidate at an election, use in its organization name in any circular, advertisement, or publication, the name of such a political party, except with the written consent of the state committee of that political party. A member of an organization subject to this section who participates in a violation of this section shall be punished by imprisonment for not more than six months or by a fine of not more than one thousand dollars, or both.

Section 44. Interfering with lawful distribution of printed matter.

No person shall prevent, hinder, or interfere with the lawful distribution of any printed matter intended to influence the action of a voter. No person shall, willfully and with intent to injure the person in whose behalf this printed matter was distributed, remove this matter from any residential premises to which it was delivered. Violation of this section shall be punished by a fine of not more than one hundred dollars.

Section 45. False statements about candidates or questions to voters.

No person shall make or publish, or have made or published, any false statement about any candidate or question to voters, which is designed or tends to aid or to injure or defeat the candidate or to affect the vote on the question. Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months.

Section 46. Payments for editorial support.

No person shall pay the owner, editor, publisher, or agent of a newspaper or other periodical to induce him editorially to advocate or oppose any candidate, political principle, or position on a question to voters. No owner, editor, publisher, or agent shall accept such a payment. This section shall not apply to the outright purchase of such a newspaper or periodical.

Section 47. Information to be supplied with published political advertisements.

No person shall publish or have published in a newspaper or other periodical any paid advertisement designed or tending to aid, injure, or defeat any candidate for public office or any position on a question to voters, unless the name and residential address of a person eighteen years old or older who is responsible for its publication is included in the advertisement as a signature. That person shall sign his name in the presence of a witness to the following statement authorizing the insertion of the advertisement. The newspaper or periodical shall retain the statement for not less than one year. It shall be available to any person on request and shall be in substantially the following form:

"I authorize the signing of my name to the attached political advertisement on behalf of or in opposition to \_\_\_\_\_, candidate for \_\_\_\_\_ in the election to be held in the current year, or on behalf of or in opposition to a position on a question to voters in the election in the current year."

Witness:

Signature:

Address:

Address:

Date:

Such an advertisement inserted in reading columns shall be preceded or followed by the word "Advertisement" in a separate line, in type not smaller than that of the body type of the newspaper or other periodical. This section does not authorize expenditures otherwise prohibited by this chapter. Any corporation violating this section or the law concerning improper payments for editorial support (section 46) shall be punished by a fine of not more than ten thousand dollars. Any officer, director, or agent of a corporation violating either such provision, who authorized the violation, or any person who violates, or in any way knowingly aids or abets the violation of, either such provision, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year.

Section 48. Unsigned circulars.

No person shall write, print, post, or distribute, or have written, printed, posted, or distributed, a circular or poster designed to aid or defeat any candidate , or any position on a question to voters, unless there appears in a conspicuous place on the circular or the poster the name of some person eighteen years old or older who is responsible for it, with his name and residential address. Violation of this section shall be punished by imprisonment for not more than six months.

Section 49. Unauthorized use of endorsements.

No person shall, in order to promote his success or the success of another as a candidate, or in connection with any question to voters, include or have included in any political advertisement, circular, poster or publication, the name of any person as an endorser or supporter except with his express consent. Violation of this section shall be punished by imprisonment for not more than six months or by a fine of not more than one thousand dollars.

Section 50. Use of word "veteran".

No candidate, except a veteran as legally defined (chapter 31, section 21), shall use the word "veteran" as applied to himself, in any

printed matter unless the word "veteran" is accompanied by other words indicating another country for which he served. Violation of this section shall be punished by a fine of not more than one hundred dollars.

Section 51. Distribution of lists of candidates.

No person shall distribute by mail or otherwise, or directly or indirectly have distributed by mail or otherwise, a list or slate containing names of candidates at a state election unless the name and residential address of some person eighteen years or older who is responsible for it appears as a signature. Violation of this section shall be punished by a fine of not more than one hundred dollars.

SUBCHAPTER G. CAMPAIGN PRACTICES.

Section 52. Campaign practices generally.

No person shall:

(a) directly or indirectly, pay, give, or promise to a voter, any gift or reward to influence his vote or to induce him to withhold his vote;

(b) by threatening to discharge a person from his employment or to reduce his wages, or by promising to give him employment at higher wages, attempt to influence a voter to vote or to withhold his vote;

(c) because of his voting or withholding of a vote, discharge a person from his employment or reduce his wages; or

(d) to aid or promote his nomination or election to a public office, directly or indirectly promise to appoint or to secure or assist in securing the appointment, nomination, or election of another person to a public position or employment or to a position of honor, trust, or employment. He may, however, announce or define what is his choice or preference on a vote in which he may be called to take part, if elected.

Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.



Section 53. Solicitation or receipt of certain contributions.

(a) By appointive public officers or employees. No person, other than an elected officer, employed for compensation by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive contributions. This section does not prevent these persons from being members of political organizations or committees. The soliciting or receiving of contributions by a non-elected political committee organized to promote the candidacy of a person so employed is not a direct or indirect solicitation or receipt of a contribution by that person.

But no contribution may be solicited or received on behalf of such a candidate from any person or combination of persons if the candidate knows or has reason to know that the person or combination of persons has an interest in a particular matter in which the candidate participates or has participated in the course of his employment or which is the subject of his official responsibility.

(b) In public buildings. No person shall solicit or receive any contribution in any building or part of a building occupied for state, county, or municipal government purposes.

(c) Penalty. Any appointed officer or employee convicted of violating this section may be removed by the appointing authority without a hearing. Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Section 54. Abuse of influence by government employees.

No officer or employee in the service of the commonwealth or any county, city, or town shall:

(a) discharge, promote, or degrade an officer or employee or change his official rank or compensation, or promise or threaten to do so, for giving, withholding, or neglecting to make a contribution;

(b) use his official authority or influence to coerce the political action of any person or body, or to interfere with any election; or

(c) directly or indirectly make a contribution to an officer or employee in that service, or to any governor's councillor, member of the general court, alderman, councilman, or commissioner. This subsection does not prohibit a contribution to any political committee, and does not prevent any person holding elective public office from contributing to a candidate or to a political committee.

Violation of this section shall be punished by a fine of not more than one thousand dollars.

Section 55. Requiring contributions or services by persons in public service.

No person shall, because he is in public service, be under obligation to contribute to any political fund, or to render political service, or be removed or otherwise prejudiced for refusing to do so. Violation of this section shall be punished by a fine of not more than one thousand dollars.

Section 56. Soliciting contributions from candidates.

No person, political committee, or person acting on its behalf, shall solicit a contribution from a candidate or a person occupying an elective public office. A candidate or a person occupying an elective public office shall not make such a contribution if solicited. Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Section 57. Agreements for political action.

No candidate or person holding a public office shall corruptly use or promise to use, directly or indirectly, any official authority or influence to confer on any person, or to aid a person to obtain, an office or public employment, or a nomination, confirmation, promotion, or increase of salary, on the consideration or condition that the vote, political influence, or action of a person be given or used on behalf of a candidate, officer, or party, or for another corrupt condition or consideration. Violation of this section shall be punished by a fine of not more than one thousand dollars.

Section 58. Influencing questions by public employees for compensation.

No member of the general court or paid officer or employee of the commonwealth shall promote or oppose, for a valuable consideration other than reimbursement for expenses actually incurred, a position on a question to voters. Any person taking or giving employment in violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

SUBCHAPTER H. CAMPAIGN FINANCE.

Section 59. Campaign finance offenses.

No person or political committee shall violate the campaign finance law concerning:

(a) who may make contributions and expenditures, or depository candidates or committees (chapter 56, sections 4 and 11). Violation of this subsection shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months;

(b) contributions and expenditures by political committees, information disclosed by a contributor, or accounting to the committee treasurer (chapter 56, sections 4(c), 6, and 14). Violation of this subsection shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year; or

(c) secrecy of proceedings before the director, political committees, use of checks, records, reports, campaign media expenses, or public financing (chapter 56, sections 2(e), (3), 3, 5, 7 to 10, and 12, and subchapter D). Violation of this subsection shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 60. Offenses by a corporation or its agents.

Any corporation violating the law concerning contributions and expenditures by corporations (chapter 56, sections 4(d) and 14) shall be punished by a fine of not more than fifty thousand dollars. Any

officer, director, or agent of the corporation who violates that law or authorizes such a violation, or any other person who violates or in any way knowingly aids or abets the violation of that law, shall be punished by a fine or not more than ten thousand dollars or by imprisonment for not more than one year, or both.

## SUBCHAPTER I. PROCEDURE.

### Section 61. Jurisdiction.

The supreme judicial and superior courts have jurisdiction to enforce the Election Law in an appropriate civil action.

### Section 62. Arrest without warrant.

Police officers and constables shall arrest without a warrant any person detected in the act of violating the Election Law.

### Section 63. Disposition of prosecutions.

A prosecution for violation of the Election Law shall not, unless the purposes of justice require, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only on written motion stating specifically the reasons and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the reasons relied on exist and that the interests of public justice require the granting of the motion, the motion shall be granted and the certificate of the court or magistrate shall be filed. Nothing in this section permits the suspension of the execution of the sentence of a person convicted of illegal voting (section 26).

### Section 64. Presumption of correctness.

In any criminal prosecution for violation of the Election Law, the presumption shall be that every proceeding or official act was correct, but evidence may be introduced either to rebut or support the presumption. The testimony of a member of the local election authority, presiding officer, or clerk that an election was held shall be prima facie evidence that it was properly held.



Section 65. Speedy judicial decision.

An action commenced in any court of this commonwealth to determine the results of an election, or to enforce or determine the meaning or application of any provisions of the Election Law, shall be advanced by the court for speedy trial on motion of any party, so that it can be heard and determined with as little delay as possible.

Section 66. Corrupt election practices; election petitions.

(a) "Corrupt election practice" defined. A candidate commits a "corrupt election practice" if he:

(1) Makes, or permits any person or non-elected political committee authorized by him to make, a false return in any statement or report filed by him or on his behalf (chapter 56, sections 8, 11, 12, 13, and 15(a)); or

(2) Fraudulently and wilfully obstructs and delays a voter, interferes with, hinders, or prevents an election-day officer from performing his duties, forges an endorsement on, alters, destroys, or defaces a ballot, tampers with or injures or attempts to injure any voting equipment to be used or being used at an election, or prevents or attempts to prevent the correct operation of that equipment.

(b) Application for permission to bring election petition. If the attorney general or five or more voters have reasonable cause to believe that a corrupt election practice has been committed by any successful candidate, other than a candidate for the United States Congress or for the general court, for whom those voters had the right to vote, with reference to his election, or by any other person in his interest or on his behalf, the attorney general or those voters may apply to the superior court for Suffolk County, for permission to bring an election petition against that candidate to have his election declared void. The application shall be signed and sworn to by the petitioners, and it shall be heard ex parte by a justice of the superior court on whatever evidence he may require. If the petitioners establish to his satisfaction that there is reasonable cause to believe that such a corrupt election

practice has been committed, which materially affected the results of the election, and that on the evidence obtainable there is reasonable cause to believe that these violations may be proved, he shall enter an order granting permission to the petitioners to bring an election petition against the candidate.

(c) Filing election petition. After the entry of this order, and within two months after the election to which it relates, a complaint in the nature of an election petition may be filed in the superior court for Suffolk County. The summons and complaint shall be served according to the rules of civil procedure and shall be returnable fourteen days after the date on which the petition is filed. The summons and complaint shall be served not less than seven days before the return day. An answer shall be served within seven days after the return day. Election petitions shall be entered on the civil docket.

(d) Hearing. Election petitions and all related motions shall be heard and decided by three justices of the superior court who shall, immediately after the filing of an election petition, be assigned by the chief justice of that court to all election petition cases until the next regular state general election. No election petition shall be referred to a master except as to facts relating to financial statements and the examination of accounts and vouchers. All proceedings under election petitions shall have precedence over any case of a different kind in any court, and the justices of the superior court may adopt rules regulating the practice and procedure under election petitions, not inconsistent with this section. In the absence of any such rules, the practice and procedure under election petitions shall be governed by the rules of civil procedure.

(e) Decision. On an election petition the decision of these three justices, or a majority of them, shall be final on all matters in controversy, on questions of both fact and law. But the justices, or a majority of them, may, after a finding of facts, either on their own motion

or at the request of either party, report the case to the supreme judicial court for decision by the full court as if on a report after a finding of facts.

(f) Defenses. If on an election petition one or more violations of this section are proved, it shall be a defense to the petition if the defendant establishes, as to every such violation, that:

(1) The violation was not committed by the candidate, but was committed contrary to his orders and without his approval or connivance;

(2) The participation, if any, of the candidate in the violation, arose from inadvertence or from accidental miscalculation, or from some other similar reasonable cause, and in any case did not arise from any lack of good faith;

(3) The candidate took all reasonable means for preventing the commission of violations of the Election Law with reference to the election in question;

(4) The violation was of a trivial, unimportant, and limited character; or

(5) The violation did not materially affect the results of the election.

(g) Conditional disposition. The court may by order make the final disposition of an election petition conditional on the filing of a campaign finance report or statement (chapter 56) in a modified form, or within an extended time, and on compliance with whatever other terms the court considers best calculated to carry out the purposes of this section. In that case the court shall require, within a definite time, further proof as to the compliance with the conditions of its order, and shall then enter a final order.

(h) Order. If after hearing an election petition a majority of the justices finds that in relation to the election of the candidate in question a corrupt practice was committed by the defendant, an order shall

be entered subject to the above limitations and conditions voiding the election of the defendant to the office in question, ousting him from that office, and declaring the office vacant.

(i) Witness immunity. No person called to testify on an election petition shall be excused from testifying or producing any evidence on the ground that his testimony may tend to incriminate him, but he shall not be prosecuted or subjected to a penalty or forfeiture, except forfeiture of election to office, because of his testimony, except for perjury committed in that testimony.

(j) Order not a bar to prosecution. No order entered on an election petition prevents or affects in any way a criminal prosecution of any candidate or other person, or any election inquest (section 65).

(k) Filling vacancy. A certified copy of any final order entered on an election petition shall immediately be transmitted by the clerk to the state secretary, and a vacancy in an office created by any such order shall be filled as if the incumbent has died, but the candidate so excluded from the office shall not be eligible.

(l) Notice to district attorney. If after the hearing on an election petition it appears to a majority of the justices that with reference to the election in question there is a reasonable presumption that a violation of this chapter was committed, they shall have the clerk send notice of the facts to the district attorney for the county where the violation appears to have been committed, with a list of witnesses to establish the violation and any other information which they consider proper. The district attorney shall then have a criminal complaint made before a court or magistrate with jurisdiction, or shall present the evidence to the grand jury. If it appears that a successful candidate for district attorney has been guilty of any such violation, a majority of the justices shall order the notice of the facts to be given to the attorney general, who shall designate a district attorney to make this



complaint or presentment. A majority of the justices may issue process for the apprehension of any person so appearing to have committed a violation of the Election Law, and may bind over, as in criminal prosecutions, whatever witnesses they consider necessary to appear and testify in the court which has jurisdiction of the crime.

(m) Notice to registrars. The state secretary and the clerk of the court where a person is convicted of a corrupt election practice shall, within ten days after final judgment on the election petition or conviction, forward to the registrars of the city or town where the defendant resides a certified copy of the record of the final judgment or conviction, and the name of that person shall be deleted from the registered voters file (chapter 52, section 10) of the city or town for a period of three years.

Section 67. Election inquests.

(a) Complaint. On complaint signed and sworn to by any person before a district court, alleging that reasonable grounds exist for believing that the Election Law has been violated, the court may at once hold an inquest to inquire into that alleged violation of law.

(b) Conduct. The court may exclude all persons whose presence is not necessary at the inquest, and it may also direct the witnesses to be kept separated so that they cannot converse with each other until they have been examined. The attorney general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

(c) Witnesses. The court or attorney may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same way, and who shall be subject to the same penalties, as if served with a subpoena on behalf of the commonwealth in a criminal prosecution before that court.

(d) Report. The court may employ a stenographer and may have the proceedings transcribed. If it finds that the law has been violated, it shall report to the superior court all the material facts and the names of any persons guilty of the violation.

(e) Binding over witnesses. The court may bind over, as in criminal prosecutions, whatever witnesses are necessary, or as the attorney designates, to appear and testify in the superior court.

(f) Apprehension. If a person charged by the report with the commission of an offense is not in custody, the court shall immediately issue process for his apprehension, but this process may issue before the filing of the report, if otherwise lawful.

(g) Witness immunity. No person shall be excused from testifying or producing any evidence at any election inquest, on the ground that his testimony may tend to incriminate him, but he shall not be prosecuted because of his testimony, except for perjury committed in that testimony.

THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_  
In the Year One Thousand Nine Hundred and Seventy-Eight.  
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AN ACT TO RECODIFY THE ELECTION LAW.

Be it enacted by the Senate and House of Representatives in General

Court assembled, and by the authority of the same, as follows:

SECTION 1. SHORT TITLE. This act may be cited as the "Election  
Law Recodification Act of 1978".

SECTION 2. ELECTION LAW. Part I of the General Laws is amended by  
striking out title VIII and inserting in its place the following title:

SECTION 3. CONGRESSIONAL DISTRICTS. For the purpose of electing representatives in Congress, the commonwealth is divided into the following twelve congressional districts:

First: the cities and towns in Berkshire county; and the towns of Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gill, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe, Montague, New Salem, Northfield, Rowe, Shelburne, Shutesbury, Sunderland, Warwick, Wendell and Whately, all in Franklin county; and the cities of Holyoke and Westfield, and the towns of Agawam, Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland and West Springfield, all in Hampden county; and the city and towns of Hampshire county.

Second: the town of Orange in Franklin county; and the cities of Chicopee and Springfield and the towns of Brimfield, East Longmeadow, Hampden, Holland, Longmeadow, Ludlow, Monson, Palmer, Wales and Wilbraham, all in Hampden county; and the towns of Ashburnham, Athol, Barre, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Hardwick, Holden, Hubbardston, New Braintree, North Brookfield, Oakham, Oxford, Paxton, Petersham, Phillipston, Princeton, Royalston, Rutland, Southbridge, Spencer, Sterling, Sturbridge, Templeton, Warren, Webster, West Brookfield and Winchendon, all in Worcester county.

Third: the city of Marlborough and the towns of Ashland, Holliston, Hopkinton and Hudson, all in Middlesex county; and the towns of Bellingham, Franklin and Medway, all in Norfolk county; and the city of Worcester and the towns of Auburn, Berlin, Blackstone, Boylston, Clinton, Grafton, Hopedale, Leicester, Mendon, Milford, Millbury, Millville, Northborough, Northbridge, Shrewsbury, Southborough, Sutton, Upton, Uxbridge, Westborough and West Boylston, all in Worcester county.



Fourth: the cities of Newton and Waltham and the towns of Ayer, Framingham, Lincoln, Maynard, Shirley, Stow, Sudbury, Wayland and Weston, all in Middlesex county; and the town of Brookline in Norfolk county; and the cities of Fitchburg, Gardner and Leominster and the towns of Bolton, Harvard, Lancaster, Lunenburg and Westminster, all in Worcester county.

Fifth: the city of Lawrence and the towns of Andover and Methuen, both in Essex county; and the city of Lowell and the towns of Acton, Ashby, Bedford, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Lexington, Littleton, North Reading, Pepperell, Tewksbury, Townsend, Tyngsborough, Westford and Wilmington, all in Middlesex county.

Sixth: the cities of Beverly, Gloucester, Haverhill, Lynn, Newburyport, Peabody and Salem and the towns of Amesbury, Boxford, Danvers, Essex, Georgetown, Groveland, Hamilton, Ipswich, Manchester, Marblehead, Merrimac, Middleton, Nahant, Newbury, North Andover, Rockport, Rowley, Salisbury, Swampscott, Topsfield, Wenham and West Newbury, all in Essex county.

Seventh: the towns of Lynnfield and Saugus, both in Essex county; and the cities of Everett, Malden, Medford, Melrose and Woburn and the towns of Burlington, Reading, Stoneham, Wakefield and Winchester, all in Middlesex county; and the cities of Chelsea and Revere and the town of Winthrop, all in Suffolk county.

Eighth: the cities of Cambridge and Somerville and the towns of Arlington, Belmont and Watertown, all in Middlesex county; and wards numbered 1, 2, 5, 21 and 22 in the city of Boston in Suffolk county.

Ninth: the towns of Canton, Dedham, Dover, Needham, Norwood, Walpole and Westwood, all in Norfolk county; and wards numbered 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19 and 20 in the city of Boston in Suffolk county.

Tenth: the cities of Attleboro, Fall River and Taunton and the towns of Berkley, Dighton, Easton, Freetown, Mansfield, North Attleborough, Norton, Raynham, Rehoboth, Seekonk, Somerset, Swansea and Westport, all in Bristol county; and the towns of Natick and Sherborn, both in Middlesex county; and the towns of Foxborough, Medfield, Millis, Norfolk, Plainville, Sharon, Wellesley and Wrentham, all in Norfolk county; and the towns of Bridgewater, East Bridgewater, Halifax, Hanson, Lakeville, Middleborough and West Bridgewater, all in Plymouth county.

Eleventh: the city of Quincy and the towns of Avon, Braintree, Holbrook, Milton, Randolph and Stoughton, all in Norfolk county; and the city of Brockton and the towns of Abington and Whitman, all in Plymouth county; and wards numbered 15, 16, 17 and 18 in the city of Boston in Suffolk county.

Twelfth: the towns in Barnstable county; and the city of New Bedford and the towns of Acushnet, Dartmouth and Fairhaven all in Bristol county; and the towns in Dukes county; and the town of Nantucket in Nantucket county; and the towns of Cohasset and Weymouth, both in Norfolk county; and the towns of Carver, Duxbury, Hanover, Hingham, Hull, Kingston, Marion, Marshfield, Mattapoisett, Norwell, Pembroke, Plymouth, Plympton, Rochester, Rockland, Scituate and Wareham, all in Plymouth county.

SECTION 4. GOVERNOR'S COUNCILLOR DISTRICTS. For the purpose of electing governor's councillors, the commonwealth is divided into the following eight governor's councillor districts:

First: the first and second Bristol, the Bristol and Plymouth, the Cape and Islands, and the second Plymouth senatorial districts.

Second: the first Middlesex and Norfolk, the Norfolk, Bristol and Middlesex, the Norfolk and Suffolk, the second Suffolk, and the first Suffolk and Norfolk senatorial districts.

Third: the first and fifth Middlesex, second Middlesex and Norfolk, the Middlesex and Suffolk, and the Middlesex and Worcester senatorial districts.

Fourth: the Norfolk, the Norfolk and Plymouth, the first Plymouth, the first Suffolk and the second Suffolk and Norfolk senatorial districts.

Fifth: the first, second and third Essex, and the first and second Essex and Middlesex senatorial districts.

Sixth: the second, third and fourth Middlesex, the Suffolk, Essex and Middlesex and the Suffolk and Middlesex senatorial districts.

Seventh: the Worcester, the Worcester, Franklin, Hampden and Hampshire, the first and second Worcester and Middlesex, and the Worcester and Norfolk senatorial districts.

Eighth: the Berkshire, the Franklin and Hampshire, the Hampden, and the first and second Hampden and Hampshire senatorial districts.

SECTION 5. STATE SENATORIAL DISTRICTS. For the purpose of electing state senators and members of state committees, the commonwealth is divided into the following forty state senatorial districts:

Berkshire: the cities and towns in the county of Berkshire.

First Bristol: the cities of Attleboro and Taunton, and the towns of Berkley, Dighton, Easton, Norton, Raynham, Rehoboth, Seekonk and Swansea, all in the county of Bristol.

Second Bristol: the city of Fall River and the towns of Acushnet, Freetown, Somerset and Westport, all in the county of Bristol.

Bristol and Plymouth: the city of New Bedford and the towns of Dartmouth and Fairhaven, all in the county of Bristol; and the towns of Marion and Mattapoisett, both in the county of Plymouth.

Cape and Islands: the towns in Barnstable, Dukes and Nantucket counties.

First Essex: the city of Lynn and the towns of Lynnfield, Marblehead, Nahant, precincts numbered five and nine of the town of Saugus and the town of Swampscott, all in the county of Essex.

Second Essex: the cities of Beverly, Peabody and Salem and the town of Danvers, all in the county of Essex.

Third Essex: the cities of Haverhill and Newburyport and the towns of Amesbury, Groveland, Merrimac, Methuen, North Andover, Salisbury and West Newbury, all in the county of Essex.

First Essex and Middlesex: the city of Gloucester and precincts numbered six, seven and eight of the town of Andover and the towns of Boxford, Essex, Georgetown, Hamilton, Ipswich, Manchester, Middleton, Newbury, Rockport, Rowley, Topsfield and Wenham, all in the county of Essex; and the town of North Reading and precincts numbered one, two, six, seven and eight of the town of Reading and the town of Wilmington, all in the county of Middlesex.



Second Essex and Middlesex: the city of Lawrence and precincts numbered one, two, three, four and five of the town of Andover, both in the county of Essex; and the towns of Billerica and Tewksbury, both in the county of Middlesex.

Franklin and Hampshire: the towns of Ashfield, Buckland, Charlemont, Colrain, Conway, Deerfield, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe, Montague, Rowe, Shelburne, Shutesbury, Sunderland, Whately, all in the county of Franklin; and the city of Northampton and the towns of Amherst, Easthampton, Granby, Hadley, Hatfield, Pelham, South Hadley and Williamsburg, all in the county of Hampshire.

Hampden: wards numbered two, five, seven and eight of the city of Springfield and the towns of Ludlow and Wilbraham, all in the county of Hampden.

First Hampden and Hampshire: the cities of Chicopee, Holyoke and Westfield, all in the county of Hampden; and the town of Southampton in the county of Hampshire.

Second Hampden and Hampshire: wards numbered one, three, four, and six of the city of Springfield and the towns of Agawam, Blandford, Chester, Granville, Longmeadow, Montgomery, Russell, Southwick, Tolland and West Springfield, all in the county of Hampden; and the towns of Chesterfield, Cummington, Goshen, Huntington, Middlefield, Plainfield, Westhampton and Worthington, all in the county of Hampshire.

First Middlesex: the city of Lowell and the towns of Dracut, Dunstable, Groton, Pepperell, Shirley, Tyngsborough and Westford, all in the county of Middlesex.

Second Middlesex: the cities of Medford and Somerville, both in the county of Middlesex.

Third Middlesex: the cities of Malden and Melrose and precincts numbered three, four and five of the town of Reading and the towns of Stoneham and Wakefield, all in the county of Middlesex.

Fourth Middlesex: the city of Woburn and the towns of Arlington, Lexington and Winchester, all in the county of Middlesex.

Fifth Middlesex: the city of Waltham and the towns of Bedford, Burlington, Carlisle, Chelmsford, Lincoln and Weston, all in the county of Middlesex.

First Middlesex and Norfolk: the towns of Ashland, Framingham, Holliston and Natick, all in the county of Middlesex; and the towns of Franklin and Medway, both in the county of Norfolk.

Second Middlesex and Norfolk: the city of Newton in the county of Middlesex and the town of Brookline in the county of Norfolk.

Middlesex and Suffolk: wards numbered eight, nine, ten, eleven of the city of Cambridge and the towns of Belmont and Watertown, all in the county of Middlesex; and precincts numbered nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen of ward numbered twenty-one and ward numbered twenty-two of the city of Boston, in the county of Suffolk.

Middlesex and Worcester: the city of Marlborough and the towns of Acton, Ayer, Boxborough, Concord, Hudson, Littleton, Maynard, Stow, Sudbury and Wayland, all in the county of Middlesex; and the towns of Berlin and Harvard, both in the county of Worcester.

Norfolk: the city of Quincy and the towns of Avon, Braintree and Holbrook, all in the county of Norfolk.

Norfolk, Bristol and Middlesex: the towns of Dover, Foxborough, Medfield, Millis, Needham, Norfolk, Plainville, Wellesley, Wrentham, all

in the county of Norfolk; and the towns of Mansfield and North Attleborough, both in the county of Bristol; and the town of Sherborn in the county of Middlesex.

Norfolk and Plymouth: the towns of Cohasset and Weymouth, both in the county of Norfolk; and the towns of Duxbury, Hingham, Hull, Marshfield and Scituate, all in the county of Plymouth.

Norfolk and Suffolk: the towns of Canton, Norwood, Sharon and Stoughton, all in the county of Norfolk; and precincts numbered one, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of ward numbered eighteen of the city of Boston, in the county of Suffolk.

First Plymouth: the city of Brockton and the towns of Abington, Hanover, Norwell and Rockland, all in the county of Plymouth.

Second Plymouth: the towns of Bridgewater, Carver, East Bridgewater, Halifax, Hanson, Kingston, Lakeville, Middleborough, Pembroke, Plymouth, Plympton, Rochester, Wareham, West Bridgewater and Whitman, all in the county of Plymouth.

First Suffolk: precincts numbered six, seven and eight of ward numbered three, precincts, numbered one, two, three, four, six, seven, eight, nine and ten of ward numbered five, wards numbered six and seven, precincts numbered one, two, five, six and seven of ward numbered eight, precincts numbered three, six, seven, eight, nine, ten of ward numbered thirteen and precincts one, two, three, four, five, six, seven and eight of ward numbered twenty-one of the city of Boston, in the county of Suffolk.

Second Suffolk: ward numbered four, precincts numbered three and four of ward numbered eight, ward numbered nine, precincts one, two, three, four, five, six, seven and eight of ward numbered ten, precincts

numbered one, two, three, four and five of ward numbered eleven, ward numbered twelve, ward numbered fourteen and precincts numbered two and three of ward numbered eighteen of the city of Boston, in the county of Suffolk.

Suffolk, Essex and Middlesex: the ward numbered two in the city of Boston and the cities of Chelsea and Revere, all in the county of Suffolk; and precincts numbered one, two, three, four, six, seven, eight and ten of the town of Saugus in the county of Essex; and the city of Everett in the county of Middlesex.

Suffolk and Middlesex: ward numbered one, precincts numbered one, two, three, four and five of ward numbered three and precinct five of ward numbered five of the city of Boston and the town of Winthrop, both in the county of Suffolk; and wards numbered one, two, three, four, five, six and seven of the city of Cambridge in the county of Middlesex.

First Suffolk and Norfolk: precinct numbered nine of ward numbered ten and precincts six, seven, eight, nine and ten of ward numbered eleven and wards numbered nineteen and twenty of the city of Boston in the county of Suffolk; and the towns of Dedham, Walpole and Westwood, all in the county of Norfolk.

Second Suffolk and Norfolk: precincts numbered one, two, four and five of ward numbered thirteen and wards numbered fifteen, sixteen and seventeen of the city of Boston in the county of Suffolk; and the towns of Milton and Randolph, both in the county of Norfolk.

Worcester: wards numbered one, two, three, four, nine and ten of the city of Worcester and the towns of Boylston, Clinton, Shrewsbury and West Boylston, all in the county of Worcester.

Worcester, Franklin, Hampden and Hampshire: the towns of Athol, Barre, Brookfield, East Brookfield, Hardwick, Hubbardston, New Brain-



tree, North Brookfield, Oakham, Paxton, Petersham, Phillipston, Royalston, Rutland, Spencer, Sturbridge, Templeton, Warren, West Brookfield and Winchendon, all in the county of Worcester; and the towns of Bernardston, Erving, Gill, New Salem, Northfield, Orange, Warwick and Wendell, all in the county of Franklin and the towns of Brimfield, East Longmeadow, Hampden, Holland, Monson, Palmer and Wales, all in the county of Hampden; and the towns of Belchertown and Ware, both in the county of Hampshire.

First Worcester and Middlesex: wards numbered five, six, seven and eight of the city of Worcester and the towns of Grafton, Hopedale, Leicester, Millbury, Northborough, Southborough, Upton and Westborough, all in the county of Worcester; and the town of Hopkinton, in the county of Middlesex.

Second Worcester and Middlesex: the cities of Fitchburg, Gardner and Leominster and the towns of Ashburnham, Bolton, Holden, Lancaster, Lunenburg, Princeton, Sterling and Westminster, all in the county of Worcester; and the towns of Ashby and Townsend, both in the county of Middlesex.

Worcester and Norfolk: the towns of Auburn, Blackstone, Charlton, Douglas, Dudley, Mendon, Milford, Millville, Northbridge, Oxford, Southbridge, Sutton, Uxbridge and Webster, all in the county of Worcester; and the town of Bellingham in the county of Norfolk.

SECTION 6. STATE REPRESENTATIVE DISTRICTS. For the purpose of electing state representatives, the commonwealth is divided into the following 160 state representative districts:

Barnstable and Islands

First Barnstable: the towns of Brewster, Dennis, Harwich and Yarmouth, all in the county of Barnstable.

Second Barnstable: the towns of Barnstable and Sandwich in the county of Barnstable.

Third Barnstable: the towns of Bourne, Falmouth and Mashpee, all in the county of Barnstable.

Cape and Islands: the towns of Chatham, Eastham, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable; the towns of Chilmark, Edgartown, Gay Head, Gosnold, Oak Bluffs, Tisbury and West Tisbury, all in the county of Dukes County; and the town of Nantucket in the county of Nantucket.

### Berkshire

First Berkshire: the towns of Adams, Cheshire, Clarksburg, Florida, Savoy and Windsor, and the city of North Adams, all in the county of Berkshire.

Second Berkshire: the towns of Dalton, Lanesborough, Hancock, New Ashford and Williamstown, and all precincts of wards one and two, and precinct C of ward seven, of the city of Pittsfield, all in the county of Berkshire.

Third Berkshire: all precincts of wards three, four, five and six, and precincts A and B of ward seven, of the city of Pittsfield, in the county of Berkshire.

Fourth Berkshire: the towns of Alford, Becket, Egremont, Great Barrington, Hinsdale, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, Peru, Richmond, Sandisfield, Sheffield, Stockbridge, Tyringham, Washington and West Stockbridge, all in the county of Berkshire.

### Bristol

First Bristol: the towns of Easton, Mansfield and Norton, all in the county of Bristol.

Second Bristol: the city of Attleboro, in the county of Bristol.

Third Bristol: all precincts of ward one, precinct A of ward two, all precincts of ward three, precincts B and C of ward four, precincts B and C of ward five, and all precincts of wards six, seven and eight, of the city of Taunton, in the county of Bristol.

Fourth Bristol: the towns of Rehoboth, Seekonk and Swansea, all in the county of Bristol.

Fifth Bristol: all precincts of ward three, and precincts C, D and E of ward four, of the city of Fall River, and the towns of Dighton and Somerset, all in the county of Bristol.

Sixth Bristol: all precincts of wards seven, eight and nine, of the city of Fall River, in the county of Bristol.

Seventh Bristol: all precincts of wards one and two, of the city of Fall River, in the county of Bristol.

Eighth Bristol: precincts A, B and F of ward four, all precincts of wards five and six, of the city of Fall River, and the town of Westport, all in the county of Bristol.

Ninth Bristol: the towns of Berkley, Dartmouth and Freetown, all in the county of Bristol, and the town of Lakeville, in the county of Plymouth.

Tenth Bristol: the towns of Acushnet and Fairhaven in the county of Bristol, and the towns of Rochester, Marion and Mattapoisett, all in the county of Plymouth.

Eleventh Bristol: all precincts of ward one, and precincts A, B, C, D, E, F, G, I and J of ward two, of the city of New Bedford, in the county of Bristol.

Twelfth Bristol: precinct H of ward two, all precincts of ward three, and precincts A, B, C, E, F, G, H and I of ward four, of the city of New Bedford, in the county of Bristol.

Thirteenth Bristol: precinct D of ward four, and all precincts of wards five and six, of the city of New Bedford, in the county of Bristol.

Fourteenth Bristol: the towns of Foxborough and Plainville in the county of Norfolk, and the town of North Attleborough, in the county of Bristol.

### Essex

First Essex: the towns of Amesbury and Salisbury, and the city of Newburyport, all in the county of Essex.

Second Essex: ward three of the city of Haverhill, and the towns of Georgetown, Groveland, Merrimac, Newbury, Rowley and West Newbury, all in the county of Essex.

Third Essex: all precincts of wards one, two and four, of the city of Haverhill, in the county of Essex.

Fourth Essex: the towns of Boxford, Essex, Hamilton, Ipswich, Middleton, Topsfield and Wenham, all in the county of Essex.

Fifth Essex: the city of Gloucester, and the towns of Manchester and Rockport, all in the county of Essex.

Sixth Essex: the city of Beverly, in the county of Essex.

Seventh Essex: the city of Salem, in the county of Essex.

Eighth Essex: the towns of Marblehead and Swampscott in the county of Essex.

Ninth Essex: precincts one, two and three of ward one, of the city of Lynn, and the town of Saugus, all in the county of Essex.

Tenth Essex: precinct four of ward one, and all precincts of wards two, three and four, of the city of Lynn, in the county of Essex.



Eleventh Essex: all precincts of wards five, six and seven, of the city of Lynn, and the town of Nahant, all in the county of Essex.

Twelfth Essex: precincts one, two and three of the town of Danvers, and all precincts of wards one, two and three, and precincts one and three of ward four, of the city of Peabody, all in the county of Essex.

Thirteenth Essex: precincts four, five, six, seven and eight of the town of Danvers, and precinct two of ward four, and all precincts of wards five and six, of the city of Peabody, all in the county of Essex.

Fourteenth Essex: precincts one, two, three, four, five, seven, eight, nine and ten of ward six, of the city of Lawrence, and the town of North Andover, all in the county of Essex.

Fifteenth Essex: the town of Methuen, in the county of Essex.

Sixteenth Essex: all precincts of wards one, two, three and four, and precincts one, three, six and seven of ward five, of the city of Lawrence, in the county of Essex.

Seventeenth Essex: the town of Andover, and precincts two, four, five and eight of ward five, and precinct six of ward six, of the city of Lawrence, all in the county of Essex.

### Franklin

First Franklin: the towns of Ashfield, Buckland, Charlemont, Colrain, Conway, Deerfield, Hawley, Heath, Monroe, Montague, Rowe, Shelburne, Sunderland and Whately, all in the county of Franklin; and the towns of Chesterfield, Cummington, Goshen, Huntington, Middlefield, Plainfield, Williamsburg and Worthington, all in the county of Hampshire.

Second Franklin: the towns of Bernardston, Erving, Gill, Greenfield, Leverett, Leyden, New Salem, Northfield, Orange, Shutesbury, Warwick and Wendell, all in the county of Franklin.

### Hampden

First Hampden: the towns of Brimfield, Holland, Monson, Palmer and Wales, all in the county of Hampden; the town of Ware in the county of Hampshire; and the towns of Hardwick and Petersham, all in the county of Worcester.

Second Hampden: the towns of East Longmeadow, Hampden and Longmeadow, all in the county of Hampden.

Third Hampden: the towns of Agawam, Blandford, Chester, Granville, Montgomery, Russell, Southwick and Tolland, all in the county of Hampden.

Fourth Hampden: the city of Westfield in the county of Hampden.

Fifth Hampden: precinct B of ward one, precinct C of ward two, and all precincts of wards three, four, five, six and seven, of the city of Holyoke, in the county of Hampden.

Sixth Hampden: precinct A of ward one, and precincts A and B of ward two, of the city of Holyoke, and the town of West Springfield, all in the county of Hampden.

Seventh Hampden: the town of Ludlow, and all precincts of wards four, five and six of the city of Chicopee, all in the county of Hampden.

Eighth Hampden: all precincts of wards one, two, three, seven, eight and nine, of the city of Chicopee, in the county of Hampden.

Ninth Hampden: all precincts of wards one and two, of the city of Springfield, in the county of Hampden.

Tenth Hampden: all precincts of wards three and six, and precincts B and C of ward seven, of the city of Springfield, in the county of Hampden.

Eleventh Hampden: precincts A, B, C, D, E, F, G, J, K, L and M of ward eight, of the city of Springfield, in the county of Hampden.

Twelfth Hampden: all precincts of wards four and five, and precincts A, G, H and J of ward seven, of the city of Springfield, in the county of Hampden.

Thirteenth Hampden: precincts D, E, F, I and K of ward seven, precincts H and I of ward eight, of the city of Springfield, and the town of Wilbraham, all in the county of Hampden.

#### Hampshire

First Hampshire: the towns of Hatfield, Southampton and Westhampton, and the city of Northampton, all in the county of Hampshire.

Second Hampshire: the towns of Easthampton, Hadley and South Hadley, all in the county of Hampshire.

Third Hampshire: the towns of Amherst, Belchertown, Granby and Pelham, all in the county of Hampshire.

#### Middlesex

First Middlesex: the towns of Ashby, Dunstable, Groton, Pepperell, Shirley and Townsend, all in the county of Middlesex, and the town of Lunenburg, in the county of Worcester.

Second Middlesex: the towns of Ayer, Littleton and Westford, all in the county of Middlesex, and the towns of Berlin, Bolton and Harvard, all in the county of Worcester.

Third Middlesex: the towns of Boxborough, Hudson, Maynard and Stow, all in the county of Middlesex.

Fourth Middlesex: the city of Marlborough in the county of Middlesex, and the town of Southborough in the county of Worcester.

Fifth Middlesex: precinct three of the town of Framingham, and the town of Natick, all in the county of Middlesex.

Sixth Middlesex: precincts one, two, four, five, six, seven, eight, nine and ten of the town of Framingham, in the county of Middlesex.

Seventh Middlesex: precincts one and two of the town of Ashland and precincts eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of the town of Framingham, all in the county of Middlesex.

Eighth Middlesex: precinct three of the town of Ashland and the towns of Holliston, Hopkinton and Sherborn, all in the county of Middlesex, and the town of Medfield, in the county of Norfolk.

Ninth Middlesex: all precincts of wards one, two, three, four, six and seven, of the city of Waltham, in the county of Middlesex.

Tenth Middlesex: precincts one and four of ward one, precincts one and three of ward two, precincts one, three and four of ward three, and precinct four of ward four, of the city of Newton, and all precincts of wards five, eight and nine, of the city of Waltham, all in the county of Middlesex.

Eleventh Middlesex: precincts two and three of ward one, precinct two of ward two, precinct three of ward five, precincts one and four of ward six, all precincts of ward 7, and precincts one and two of ward eight, of the city of Newton in the county of Middlesex.

Twelfth Middlesex: precinct four of ward two, precinct two of ward three, precincts one, two and three of ward four, precincts one, two and four of ward five, precincts two and three of ward six, and precincts



three and four of ward eight, of the city of Newton, in the county of Middlesex.

Thirteenth Middlesex: the towns of Lincoln, Sudbury and Wayland, all in the county of Middlesex.

Fourteenth Middlesex: the towns of Acton, Carlisle and Concord, all in the county of Middlesex.

Fifteenth Middlesex: the town of Lexington, in the county of Middlesex.

Sixteenth Middlesex: the towns of Chelmsford and Tyngsborough in the county of Middlesex.

Seventeenth Middlesex: the town of Dracut, and all precincts of ward five, precincts two and four of ward six, and all precincts of ward nine, of the city of Lowell, all in the county of Middlesex.

Eighteenth Middlesex: all precincts of ward one, precincts two, three and four of ward two, precincts one, two and four of ward three, precinct two of ward four, precinct one of ward eight, precincts one, three and four of ward ten, and all precincts of ward eleven, of the city of Lowell, in the county of Middlesex.

Nineteenth Middlesex: precinct one of ward two, precincts three and five of ward three, precincts one, three and four of ward four, precincts one, three and five of ward six, all precincts of ward seven, precincts two, three and four of ward eight, and precinct two of ward ten, of the city of Lowell, in the county of Middlesex.

Twentieth Middlesex: the town of Tewksbury, and precincts one, two, four, five and six, of the town of Wilmington, all in the county of Middlesex.

Twenty-first Middlesex: the towns of North Reading and Reading, and precinct three of the town of Wilmington, all in the county of Middlesex.

Twenty-second Middlesex: the town of Lynnfield in the county of Essex, and the town of Wakefield in the county of Middlesex.

Twenty-third Middlesex: the towns of Bedford and Burlington in the county of Middlesex.

Twenty-fourth Middlesex: the town of Billerica in the county of Middlesex.

Twenty-fifth Middlesex: precincts five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of the town of Arlington, in the county of Middlesex.

Twenty-sixth Middlesex: precincts one, two, three, four and six, of the town of Arlington, and the town of Belmont, all in the county of Middlesex.

Twenty-seventh Middlesex: precinct three of ward six, and all precincts of wards eight, nine, ten and eleven, of the city of Cambridge, in the county of Middlesex.

Twenty-eighth Middlesex: precincts three, four and five of ward three, all precincts of ward four, precincts three, four and five of ward five, precincts two, four and five of ward six, and all precincts of ward seven, of the city of Cambridge, in the county of Middlesex.

Twenty-ninth Middlesex: all precincts of wards one and two, precincts one and two of ward three, precincts one and two of ward five, and precinct one of ward six, of the city of Cambridge, and precincts one, two, three, four and six of ward two, of the city of Somerville, all in the county of Middlesex.

Thirtieth Middlesex: precincts two, three, five and six of ward four, precincts one, four and five of ward five, precincts one, three, four and five of ward six, and all precincts of ward seven, of the city of Somerville, in the county of Middlesex.

Thirty-first Middlesex: all precincts of ward one, precinct five of ward two, all precincts of ward three, precincts one and four of ward four, precincts two, three and six of ward five, and precinct two of ward six, of the city of Somerville, in the county of Middlesex.

Thirty-second Middlesex: the town of Watertown in the county of Middlesex.

Thirty-third Middlesex: the city of Woburn in the county of Middlesex.

Thirty-fourth Middlesex: precincts two, three, four and six, of the town of Stoneham, and the town of Winchester, all in the county of Middlesex.

Thirty-fifth Middlesex: the city of Melrose, and precincts one and five, of the town of Stoneham, all in the county of Middlesex.

Thirty-sixth Middlesex: all precincts of wards three, four, five, six and seven, of the city of Malden, in the county of Middlesex.

Thirty-seventh Middlesex: all precincts of wards one and two, precinct four of ward three, and all precincts of ward seven, of the city of Medford, and all precincts of wards one and two, of the city of Malden, all in the county of Middlesex.

Thirty-eighth Middlesex: precincts one, two, three and five of ward three, and all precincts of wards four, five, and six, of the city of Medford, in the county of Middlesex.

Thirty-ninth Middlesex: the city of Everett in the county of Middlesex.

## Norfolk

First Norfolk: precincts three, four, six and seven of ward three, precincts one, two, three, four, five and six of ward four, and all precincts of ward six, of the city of Quincy, in the county of Norfolk.

Second Norfolk: all precincts of ward one, precincts one, two and five of ward three, precinct seven of ward four, and all precincts of ward five, of the city of Quincy, in the county of Norfolk.

Third Norfolk: ward two of the city of Quincy, and precincts five, six, nine, twelve, thirteen, sixteen and seventeen of the town of Weymouth, all in the county of Norfolk.

Fourth Norfolk: precincts one, two, three, four, seven, eight, ten, eleven, fourteen, fifteen and eighteen of the town of Weymouth, in the county of Norfolk.

Fifth Norfolk: the town of Braintree in the county of Norfolk.

Sixth Norfolk: the town of Canton, and precincts one, two, three and four, of the town of Randolph, all in the county of Norfolk.

Seventh Norfolk: the town of Milton, and precincts five and six of the town of Randolph, all in the county of Norfolk.

Eighth Norfolk: the towns of Sharon and Stoughton in the county of Norfolk.

Ninth Norfolk: the towns of Millis, Norfolk, Walpole and Wrentham, all in the county of Norfolk.

Tenth Norfolk: the towns of Bellingham and Franklin in the county of Norfolk, and the town of Blackstone in the county of Worcester.

Eleventh Norfolk: the town of Dedham and precincts one and two of the town of Westwood, all in the county of Norfolk.

Twelfth Norfolk: the town of Norwood and precinct three of the town of Westwood, all in the county of Norfolk.



Thirteenth Norfolk: the towns of Dover and Needham in the county of Norfolk.

Fourteenth Norfolk: the town of Wellesley in the county of Norfolk, and the town of Weston in the county of Middlesex.

Fifteenth Norfolk: precincts one, two, three, four, five, six, seven, eight, nine, ten and eleven of the town of Brookline, in the county of Norfolk.

### Plymouth

First Plymouth: the towns of Kingston and Plymouth in the county of Plymouth.

Second Plymouth: the towns of Carver, Middleborough, Plympton and Wareham, all in the county of Plymouth.

Third Plymouth: the town of Cohasset in the county of Norfolk, and the towns of Hingham and Hull, all in the county of Plymouth.

Fourth Plymouth: the towns of Marshfield and Scituate in the county of Plymouth.

Fifth Plymouth: the towns of Hanover, Norwell and Rockland, all in the county of Plymouth.

Sixth Plymouth: the towns of Duxbury, Halifax, Hanson and Pembroke, all in the county of Plymouth.

Seventh Plymouth: the town of Holbrook in the county of Norfolk, and the towns of Abington and Whitman, all in the county of Plymouth.

Eighth Plymouth: the towns of Bridgewater and East Bridgewater in the county of Plymouth; and the town of Raynham, precinct B of ward two, precinct A of ward four and precinct A of ward five, of the city of Taunton, all in the county of Bristol.

Ninth Plymouth: all precincts of ward one, precinct C and D of ward two, all precincts of ward three, and precinct A of ward four, of the city of Brockton, in the county of Plymouth.

Tenth Plymouth: precinct B of ward two, precincts B, C and D of ward four, all precincts of ward five, and precinct B of ward six, of the city of Brockton, and the town of West Bridgewater, all in the county of Plymouth.

Eleventh Plymouth: the town of Avon in the county of Norfolk, and precinct A of ward two, precincts A, C and D of ward six, and all precincts of ward seven, of the city of Brockton, in the county of Plymouth.

#### Suffolk

First Suffolk: all precincts of ward one, of the city of Boston, in the county of Suffolk.

Second Suffolk: all precincts of ward two of the city of Boston, and wards one and two, precinct one of ward three, and wards four and five of the city of Chelsea, all in the county of Suffolk.

Third Suffolk: all precincts of wards three and eight, of the city of Boston, in the county of Suffolk.

Fourth Suffolk: all precincts of ward six, and precincts one, two, three, four and five of ward seven, of the city of Boston, in the county of Suffolk.

Fifth Suffolk: precincts six, eight, nine and ten of ward seven, precincts one, two, four, five, six, eight and nine of ward thirteen, and precincts one, three, four, seven and nine of ward fifteen, of the city of Boston, in the county of Suffolk.

Sixth Suffolk: precincts two, four, five, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward fourteen, and precinct three of ward eighteen, of the city of Boston, in the county of Suffolk.

Seventh Suffolk: precincts three, four and five of ward nine, all precincts of ward twelve, and precincts one, three and six of ward fourteen, of the city of Boston, in the county of Suffolk.

Eighth Suffolk: precincts one, three, four, five, six, seven, eight, nine and ten of ward five, of the city of Boston, in the county of Suffolk.

Ninth Suffolk: precincts one, two, three, four, five, six, seven, eight and nine of ward four, precinct two of ward five, precincts one and two of ward nine, and precinct one of ward twenty-one, of the city of Boston, in the county of Suffolk.

Tenth Suffolk: precincts three, five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of ward twenty, of the city of Boston, in the county of Suffolk.

Eleventh Suffolk: precincts nine and ten of ward eleven, precincts two, eight and nine of ward nineteen, and precincts one, two, four and six of ward twenty, of the city of Boston, in the county of Suffolk; and precincts twelve, thirteen, fourteen, fifteen and sixteen, of the town of Brookline, in the county of Norfolk.

Twelfth Suffolk: precincts one, two, three, four, five, six, seven and eight of ward eleven, precinct nine of ward eighteen, and precincts six, seven, ten, eleven, twelve and thirteen of ward nineteen, of the city of Boston, in the county of Suffolk.

Thirteenth Suffolk: precincts two and five of ward fifteen, precincts three, six, seven and eight of ward sixteen, and precincts one, two, three, five, six, eight, nine and eleven of ward seventeen, of the city of Boston, in the county of Suffolk.

Fourteenth Suffolk: precinct seven of ward seven, precincts three, seven and ten of ward thirteen, precincts six and eight of ward fifteen, and precincts one, two, four, five, nine, ten, eleven and twelve of ward sixteen, of the city of Boston, in the county of Suffolk.

Fifteenth Suffolk: precincts four, seven, ten, twelve, thirteen and fourteen of ward seventeen, and precincts one, two, four, five, six, seven and twenty-one of ward eighteen, of the city of Boston, in the county of Suffolk.

Sixteenth Suffolk: precincts eight, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two and twenty-three of ward eighteen, of the city of Boston, in the county of Suffolk.

Seventeenth Suffolk: precinct ten of ward four, all precincts of ward ten, and precincts one, three, four and five of ward nineteen, of the city of Boston, in the county of Suffolk.

Eighteenth Suffolk: precincts four, six, seven, nine, eleven, thirteen and fifteen of ward twenty-one, and precincts two, three, six, nine, ten and twelve of ward twenty-two, of the city of Boston, in the county of Suffolk.

Nineteenth Suffolk: precincts two, three, five, eight, ten, twelve, fourteen and sixteen of ward twenty-one, and precincts one, four, five, seven, eight, eleven and thirteen of ward twenty-two, of the city of Boston, in the county of Suffolk.



Twentieth Suffolk: precincts one, two and three of ward one, precincts two, three and four of ward two, and precincts one, two and three of ward five of the city of Revere, and the town of Winthrop, all in the county of Suffolk.

Twenty-first Suffolk: precinct two of ward three of the city of Chelsea, precinct four of ward one, precinct one of ward two, all precincts of wards three and four, precincts four and five of ward five, and all precincts of ward six of the city of Revere, all in the county of Suffolk, and ward eight of the city of Malden, in the county of Middlesex.

#### Worcester

First Worcester: the towns of Athol, Holden, Hubbardston, Phillips-ton, Princeton, Rutland and Westminster, all in the county of Worcester.

Second Worcester: the towns of Ashburnham, Royalston, Templeton and Winchendon, and the city of Gardner, all in the county of Worcester.

Third Worcester: the city of Fitchburg in the county of Worcester.

Fourth Worcester: the city of Leominster in the county of Worcester.

Fifth Worcester: the towns of Barre, Brookfield, East Brookfield, New Braintree, North Brookfield, Oakham, Paxton, Spencer, Warren and West Brookfield, all in the county of Worcester.

Sixth Worcester: the towns of Charlton, Dudley, Southbridge and Sturbridge, all in the county of Worcester.

Seventh Worcester: the towns of Auburn, Millbury and Oxford, all in the county of Worcester.

Eighth Worcester: the towns of Douglas, Hopedale, Mendon, Millville, Sutton, Uxbridge and Webster, all in the county of Worcester.

Ninth Worcester: the towns of Grafton, Northbridge and Westborough, all in the county of Worcester.

Tenth Worcester: the town of Medway, in the county of Norfolk, and the towns of Milford and Upton, all in the county of Worcester.

Eleventh Worcester: the towns of Northborough and Shrewsbury in the county of Worcester.

Twelfth Worcester: the towns of Boylston, Clinton, Lancaster, Sterling and West Boylston, all in the county of Worcester.

Thirteenth Worcester: all precincts of wards one and nine, of the city of Worcester, in the county of Worcester.

Fourteenth Worcester: all precincts of ward two, precincts one, two, three, four, five and six of ward three, and precinct four of ward ten, of the city of Worcester, in the county of Worcester.

Fifteenth Worcester: precinct seven of ward three, precincts one, two, three, four, five and six of ward four, precinct seven of ward five, precinct three of ward eight, and precincts one, two, three, five, six and seven of ward ten, of the city of Worcester, in the county of Worcester.

Sixteenth Worcester: precincts seven and eight of ward four, precincts one, two, three, four, five and six of ward five, all precincts of ward six, and precinct eight of ward eight, of the city of Worcester, in the county of Worcester.

Seventeenth Worcester: the town of Leicester, and all precincts of ward seven and precincts one, two, four, five, six and seven of ward eight, of the city of Worcester, all in the county of Worcester.

SECTION 7. POLITICAL PARTY ENROLLMENT REQUIREMENT. Section 12 of chapter 4 of the General Laws is repealed.

SECTION 8. STATE BALLOT LAW COMMISSION. Sections 29 to 32 of chapter 6 of the General Laws, and the preceding caption, are repealed.

SECTION 9. CROSS REFERENCE. Section 7 of chapter 9 of the General Laws as most recently amended by section 1 of chapter 10 of the acts of 1975, is amended by striking out, in the last sentence of the first paragraph, the words "under authority of chapter fifty-four", and inserting in their place the words "under the Election Law".

SECTION 10. LOCAL ELECTION DISTRICTS REVIEW COMMISSION. Section 9A of that chapter 9 is repealed.

SECTION 11. CROSS REFERENCE. Section 42 of chapter 10 of the General Laws, as appearing in section 1 of chapter 774 of the acts of 1975, is amended by striking out, in the third paragraph, the words "chapter fifty-five A", and inserting in their place the words "the public financing subchapter of the Election Law".

SECTION 12. STATE ELECTION CAMPAIGN FUND. That chapter 10 is further amended by striking out section 43 and inserting in its place the following section:

Section 43. On or before the eighth Tuesday before the September state primary election in any election year (chapter 56, section 16(c)), the balance of the state election campaign fund shall be determined by the comptroller as of June 30 of that year and the state election campaign fund shall then be divided by the comptroller into primary and general election accounts as follows:

(a) Sixty per cent of the fund shall be allocated to the primary election account which shall be further subdivided into as many primary candidate accounts as there are candidates for statewide elective office who both have been nominated for the primary election and have primary opposition as certified by the state secretary (chapter 56, section 17).

Each primary candidate account shall be credited with an amount determined by dividing the primary election account by a number equal to the sum of five times the number of certified candidates for governor, two and one half times the number of certified candidates for attorney general, and one times the number of certified candidates for the other statewide elective offices; but each candidate account for the office of governor shall be credited with five times the amount so determined and each candidate account for the office of attorney general shall be credited with two and one half times the amount so determined.

(b) Forty per cent of the fund shall be allocated to the general election account.

On or before the fifth Tuesday before that regular state general election the general election account shall be further subdivided into as many general candidate accounts as there are candidates for statewide elective office who both have been nominated for, and have opposition in, the general election as certified by the state secretary (chapter 56, section 17), but one candidate account only shall be established for each governor and lieutenant governor pair of candidates. Each general candidate account shall be credited with an amount determined by dividing the general election account by a number equal to the sum of five times the number of certified candidate pairs for governor and lieutenant governor, two and one half times the number of certified candidates for attorney general, and one times the number of certified candidates for the other statewide elective offices; but each governor and lieutenant governor candidate account shall be credited with five times the amount so determined and each candidate account for the office of attorney general shall be credited with two and one half times the amount so determined.



SECTION 13. STATE ELECTION CAMPAIGN FUND. That chapter 10 is further amended by striking out section 44 and inserting in its place the following section:

Section 44. On or before the eighth, sixth, fourth and second Tuesday before the September state primary election in any election year (chapter 56, section 16(c)), the state treasurer shall without further appropriation distribute from each primary candidate account the amounts then certified by the director of campaign and political finance to be due to each eligible candidate. All distributions shall be made by direct deposit to the depository accounts designated by those candidates (chapter 56, section 11). Immediately following the second Tuesday before that primary election all primary candidate accounts (section 43) shall be closed and any balances remaining shall be allocated to the general election account and shall be available for distribution as provided here.

On or before the fourth and second Tuesday before the regular state general election in any election year, the state treasurer shall without further appropriation distribute from each general candidate account the amounts then certified by the director of campaign and political finance to be due to each eligible candidate. All distributions shall be made by direct deposit to the depository accounts designated by those candidates. Immediately following the second Tuesday before that general election all general candidate accounts (section 43) shall be closed and any balances remaining shall be redeposited (section 41) pending the next election year.

SECTION 14. CROSS REFERENCE. Section 12 of chapter 12 of the General Laws, as appearing in the Tercentenary Edition, is amended by

striking out, in the first sentence, the words "section one hundred and fifty-four of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 15. CIVIL SERVICE COVERAGE PETITIONS. Section 49A of chapter 31 of the General Laws, as most recently amended by section 8 of chapter 701 of the acts of 1945, is amended by striking out the third, fourth, and fifth paragraphs, and inserting in their place the following paragraphs:

Petitions under this section shall be signed, certified, objected to, and preserved like city nomination petitions under the Election Law. Notice of an objection shall be sent to each officer affected by it and to three persons who shall be designated on the petition before filing as the persons filing it.

If the petition is valid, the local election authority shall place the question or questions in it on the ballot at the required election.

SECTION 16. TERMINOLOGY. That section 49A is further amended by striking out, in the first paragraph, the word "clerk", and inserting in its place the words "local election authority".

SECTION 17. CROSS REFERENCE. That section 49A is further amended by striking out the tenth paragraph.

SECTION 18. CROSS REFERENCE. Section 4 of chapter 34 of the General Laws, as most recently amended by section 1 of chapter 31 of the acts of 1939, is amended by striking out, in the first sentence, the words "section one hundred and fifty-eight of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 19. CROSS REFERENCE. Section 1 of chapter 35 of the General Laws, as appearing in the Tercentenary Edition, is amended by

striking out, in the second sentence, the words "section one hundred and sixty of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 20. CROSS REFERENCE. Section 2 of chapter 36 of the General Laws, as appearing in the Tercentenary Edition, is amended by striking out the words "section one hundred and fifty-seven of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 21. CROSS REFERENCE. Section 1 of chapter 37 of the General Laws, as appearing in the Tercentenary Edition, is amended by striking out the words "section one hundred and fifty-nine of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 22. CROSS REFERENCE. Section 9 of chapter 39 of the General Laws, as most recently amended by section 1 of chapter 8 of the acts of 1974, is hereby amended by striking out, in the last sentence, the words "section sixty-four of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 23. OBSOLETE CROSS REFERENCE. Section 1 of chapter 41 of the General Laws, as most recently amended by chapter 1134 of the acts of 1973, is amended by striking out the last paragraph.

SECTION 24. CROSS REFERENCE. Section 6 of that chapter 41, as appearing in the Tercentenary Edition, is amended by striking out, in the first sentence, the words "section one of chapter fifty", and, in the second sentence, the words "chapters fifty to fifty-six, inclusive", and inserting in their place, in each case, the words "the Election Law".

SECTION 25. CROSS REFERENCE. Section 9 of that chapter 41, as appearing in the Tercentenary Edition, is amended by striking out

the words "section one hundred and seven of chapter fifty-four", and inserting in their place the words "the Election Law".

SECTION 26. OBSOLETE CROSS REFERENCE. Section 11 of that chapter 41, as most recently amended by chapter 101 of the acts of 1974, is amended by striking out, in the second sentence, the words "except a board whose members have been elected by proportional representation under chapter fifty-four A,".

SECTION 27. CROSS REFERENCE. Section 19 of that chapter 41, as most recently amended by chapter 8 of the acts of 1971, is amended by striking out, in the third sentence, the words "section eighteen of chapter fifty-one", and inserting in their place the words "the Election Law".

SECTION 28. OBSOLETE PROVISIONS. Sections 7 to 14 of chapter 43 of the General Laws are repealed.

SECTION 29. DATES OF CITY ELECTIONS UNDER PLAN. Section 15 of that chapter 43, as most recently amended by section 3 of chapter 640 of the acts of 1941, is amended by striking out subsections (a) to (c), and inserting in their place the following subsections:

(a) If the plan adopted provides for annual elections, or elections in every even-numbered year, the regular city general election shall be held on the third Tuesday in December of the appropriate years; and

(b) If the plan adopted, except Plan E, provides for elections in every odd-numbered year, the regular city general election shall be held on the same day as it was before the adoption of the plan.

SECTION 30. NO PRIMARY ELECTIONS UNDER PLAN. That chapter 43 is further amended by striking out section 16, and inserting in its place the following section:



Section 16. In a city which has adopted a plan under this chapter, except Plan F, no primary election shall be held, and candidates shall be nominated only by nomination petition under the Election Law.

SECTION 31. PRIMARY ELECTION UNDER PLAN F. That chapter 43 is further amended by striking out section 16A and inserting in its place the following section:

Section 16A. The city primary and general election under plan F shall, except as otherwise provided in this chapter, be conducted under the Election Law. The regular city primary election shall be held on the sixth Tuesday before the regular city general election. At that primary election each political party shall nominate a candidate for mayor, six candidates for school committeeman, as many candidates for councillor-at-large as there are councillors-at-large to be elected, and a candidate for councillor from each ward of the city. There shall not be printed on the ballot at that city primary election the name of any person as a candidate for nomination for the office of mayor, school committee, or city councillor, unless a certificate from the registrars of voters that he is enrolled as a member of the political party whose nomination he seeks is filed with the local election authority on or before the last day for filing nomination petitions.

General nomination petitions shall also be subject to the Election Law, but the number of signers required shall be three percent of the vote cast for governor at the preceding regular general election or fifty, whichever is greater, and the last day to file shall be the same as the last day to file primary nomination petitions.

SECTION 32. FOUR-YEAR TERMS FOR MAYORS. That chapter 43 is further amended by striking out section 17C, and inserting in its place the following section:

Section 17C. Whenever a petition signed by at least five percent of the number of registered voters in the city at the last regular city general election, which shall be certified like a nomination petition under the Election Law, is filed with it, the local election authority shall place on the ballot for the next regular city general election to be held not less than sixty days after the date of the filing of the petition the following question:

"Shall the term of office of mayor of the city	YES.
of            be four years?"	NO.

If a majority of the votes cast in answer to that question is in the affirmative, the term of office of the mayor of the city shall be for four years and until the election and qualification of his successor, beginning with the next regular city general election following the acceptance of this question.

This section shall apply only in cities which have adopted Plan A, Plan B, or Plan F under this chapter and in cities which have, under the provisions of any special act or any charter adopted under the provisions of Article LXXXIX of the Amendments to the Constitution, a mayor, as defined in subsection (a) of section ten of chapter forty-three B.

The provisions of this section shall apply notwithstanding the provisions of section eighteen of chapter forty-three B. Nothing contained in this section shall be construed to prevent the amendment of a city charter by any method available under Article LXXXIX of the Amendments to the Constitution or under chapter forty-three B.

SECTION 33. TWO-YEAR TERMS FOR CERTAIN MAYORS. That chapter 43 is further amended by striking out section 17D, and inserting in its place the following section:

Section 17D. In any city where the term of office of mayor is two years under section 17C, whenever a petition signed by at least five percent of the number of registered voters in the city at the last regular city general election, which shall be certified like a nomination petition under the Election Law, is filed with it, the local election authority shall place on the ballot for the next regular city general election to be held not less than sixty days . after the date of the filing of the petition the following question:

"Shall the term of office of the mayor of the city      YES.  
of              be two years?"    NO.

If a majority of the votes cast in answer to that question is in the affirmative, the term of office of the mayor of the city shall be for two years and until the election and qualification of his successor, beginning with the next regular city general election following the acceptance of this question.

SECTION 34. LOCAL INITIATIVE AND REFERENDUM; PRELIMINARY ELECTIONS.

Sections 37 to 44G of that chapter 43 are repealed.

SECTION 35. APPLICABILITY OF PRELIMINARY ELECTIONS. That chapter 43 is further amended by striking out section 44H, and inserting in its place the following section:

Section 44H. A preliminary election under the Election Law (chapter 53, section 9) shall be held on the fourth Tuesday before the regular

city general election in any city which has adopted any plan under this chapter (except Plan E or F) after September 1, 1922, or which adopted such a plan before that date and voted to accept this provision before 1967.

SECTION 36. APPLICABILITY OF LOCAL INITIATIVE AND  
REFERENDUM.

That chapter 43 is further amended by striking out section 45, and inserting in its place the following section:

Section 45. The preceding provisions of this chapter apply in every city which adopts any plan under this chapter, except to the extent that the plan provides otherwise. In addition, the provision for the local initiative and referendum under the Election Law (chapter 54, section 4) applies to every such city.

SECTION 37. CROSS REFERENCE. Section 102 of that chapter 43, as most recently amended by section 6 of chapter 722 of the acts of 1941, is amended by striking out, in the first sentence, the words "section thirteen of chapter fifty-four A", and inserting in their place the words "the proportional-representation voting law".

SECTION 38. CROSS REFERENCE. That chapter 43 is further amended by striking out section 113, and inserting in its place the following section:

Section 113. The provisions of the proportional-representation voting law concerning preparation for elections and the order of polling places by which ballots are to be counted apply to city elections in a city which adopts this plan.

SECTION 39. CROSS REFERENCE. Section 116 of that chapter 43, as appearing in section 15 of chapter 378 of the acts of 1938, is amended



by striking out the words "all general laws relating to elections and corrupt practices", and inserting in their place the words "the Election Law".

SECTION 40. TERMINOLOGY. Section 129 of that chapter 43, as appearing in section 3 of chapter 549 of the acts of 1977, is amended by striking out the second and third sentences of the second-last paragraph, and inserting in their place the following sentences: The petition shall be filed with the local election authority, which shall transmit it immediately to the registrars of voters, who shall within sixty days certify the signatures on it and return it to the local election authority. The petition shall be filed with the local election authority at least one hundred and forty days before the date of the regular city general election at which the question or questions proposed by the petition is to appear.

SECTION 41. PETITION FOR OPTIONAL PLAN OF GOVERNMENT. That section 129 is further amended by striking out the last sentence of the last paragraph, and inserting in its place the following paragraph:

Within seventy days after it has been filed by the petitioners, the local election authority shall transmit to the city council a certified copy of it, which may merely state the number of certified signatures instead of including them. Any voter may file an objection to the sufficiency or validity of the petition or the signatures on it with the local ballot law commission and the city council within eighty days after the petition was first filed by the petitioners. The commission shall render a decision within thirty days, and shall immediately notify the city council of it. The decision is reviewable in an appropriate civil action in the superior court on complaint by any person aggrieved by the decision, but the complaint must be filed within ten days after the decision. Within ten days after the last day to file objections, if no objection is filed, or of the date when a final decision is received, the city

council shall return the certified copy of the petition to the local election authority, which shall place the question or questions proposed by the petition on the ballot at the next regular city general election thirty or more days after it is returned.

SECTION 42. TERMINOLOGY. Section 131 of that chapter 43, as appearing in section 3 of chapter 549 of the acts of 1977, is amended by striking out, in the first sentence, the words "city clerk," and inserting in their place the words "local election authority".

SECTION 43. CROSS REFERENCES; TERMINOLOGY. That section 131 is further amended by striking out the fourth and fifth sentences and inserting in their place the following sentences: Those districts shall continue in force until the next decennial division of the city into wards as required by the Election Law, at which time the city council shall divide the city into a number of wards equal to the number of those districts; and after that time, and after the effective date of those wards under the Election Law, those wards rather than the districts shall be the units used for the election of those city council or school committee members who are not elected at large throughout the city. The city council shall adopt an ordinance providing the number of valid signatures required on nomination petitions for city council or school committee, but no such number shall exceed two percent of the vote cast in the preceding mayoral election in the respective district.

SECTION 44. CROSS REFERENCE. Section 3 of chapter 43A of the General Laws, as most recently amended by section 2 of chapter 267 of the acts of 1937, is amended by striking out the last sentence of the first paragraph, and inserting in its place the following sentence: This section does not authorize any change in precinct boundaries, required for forming districts for electing officers, which is prohibited by the Election Law.

SECTION 45. CROSS REFERENCE. That section 3 is further amended by striking out the last sentence of the second paragraph, and inserting in its place the following sentence: 'To the extent that they are not inconsistent with this chapter, the provisions of the Election Law concerning precinct voting apply to all elections in the town after this division into precincts.'

SECTION 46. TOWN MEETING MEMBER NOMINATIONS. That chapter 43A is amended by striking out section 6, and inserting in its place the following section:

Section 6. Candidates for town meeting member shall be nominated under the Election Law.

SECTION 47. TERMINOLOGY. Section 10 of that chapter 43A, as most recently amended by chapter 70 of the acts of 1973, is amended by striking out the last sentence, and inserting in its place the following sentence:

Absentee voting shall be available at this election under the Election Law.

SECTION 48. ELECTION OF CHARTER COMMISSION MEMBERS. Section 5 of chapter 43B of the General Laws, as appearing in section 1 of chapter 734 of the acts of 1966, is amended by striking out the second and third paragraphs, and inserting in their place the following paragraph:

Nomination petitions for charter commission members shall be provided, signed, submitted, certified, filed and objected to under, and shall contain the information required by, the Election Law as it applies to town general nomination petitions. The petition shall be filed with the local election authority before 5:00 p.m. of the twenty-eighth day before the election.

SECTION 49. APPLICABILITY TO HOME RULE PROCEDURES. That chapter 43B is further amended by striking out section 17, and inserting in its place the following section:

Section 17. The Election Law, as it applies to city or town general elections, applies to procedures under this chapter to the extent practical, unless this chapter provides otherwise, and except for the provision for mailing information to voters (chapter 54, section 9).

SECTION 50. CROSS REFERENCE. Chapter 48 of the General Laws is amended by striking out section 68, and inserting in its place the following section:

Section 68. Section 8 of chapter 41, and the Election Law as it applies to casting votes, absentee voting, and counting votes, applies to fire districts.

SECTION 51. CROSS REFERENCE. Section 6C of chapter 62 of the General Laws, as appearing in section 4 of chapter 774 of the acts of 1975, is amended by striking out, in the first paragraph, the words "in accordance with the provisions of chapter fifty-five A", and inserting in their place the words "under the public financing subchapter of the Election Law".

SECTION 52. CROSS REFERENCE. That section 6C is further amended by striking out, in the last paragraph, the words "chapter fifty-five A", and inserting in their place the words "the public financing subchapter of the Election Law".

SECTION 53. CROSS REFERENCE. Section 14B of chapter 128A of the General Laws, as most recently amended by section 2 of chapter 559 of the acts of 1964, is amended by striking out, in the last sentence, the words "chapter fifty-three", and inserting in their place the words "the Election Law".

SECTION 54. CROSS REFERENCE. Section 14C of that chapter 128A, as most recently amended by section 3 of that chapter 559, is amended by striking out, in the last sentence, the words "chapter fifty-three", and inserting in their place the words "the Election Law".



SECTION 55. CROSS REFERENCE. Section 11 of chapter 138 of the General Laws, as most recently amended by chapter 433 of the acts of 1974, is amended by striking out the last sentence of the last paragraph and the last sentence of the second-last paragraph, and inserting in its place, in each case, the following sentence: This petition shall be submitted and certified like a nomination petition under the Election Law.

SECTION 56. LIST OF DOGS. Section 150 of chapter 140 of the General Laws, as most recently amended by chapter 357 of the acts of 1954, is amended by striking out the first sentence, and inserting in its place the following sentence: The officers responsible for preparing the residents list under the Election Law or any special law shall also prepare a list of all dogs owned by the residents at that time, and transmit it in duplicate to the city or town clerk, but in Boston the police commissioner, on or before April 1.

SECTION 57. NO FEE FOR NOTARIZING ABSENTEE BALLOT. Section 43 of chapter 262 of the General Laws, as most recently amended by chapter 294 of the acts of 1969, is amended by striking out the second sentence, and inserting in its place the following sentence: Justices of the peace and notaries public shall not charge any fee for completing the affidavit on an inner absentee ballot envelope under the Election Law.

SECTION 58. CROSS REFERENCE. Section 57 of chapter 276 of the General Laws, as most recently amended by chapter 280 of the acts of 1965, is amended by striking out, in the last paragraph, the words "any provision of section thirty-three or thirty-five of chapter fifty-six", and inserting in their place the words "the provisions of the Election Law prohibiting attempts to influence voting, in connection with employment or appointment (chapter 57, sections 52(b) and (c) and 57)".

SECTION 59. TRANSITION PROVISIONS. This act, to the extent that its provisions are substantially the same as those of previous laws, is intended as a continuation of those laws, and not as a new enactment. This act does not affect any act done, liability or penalty incurred, right acquired, or action or proceeding pending, before its effective date. Whenever any general or special law, local charter, local acceptance, agreement, or other document refers to a provision of a previous law, that reference shall be considered to be to the corresponding provision of the Election Law instead.

SECTION 60. EFFECTIVE DATE. This act takes effect on January 1, 1979.

# CROSS-REFERENCE TABLES

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51/1E	deleted
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51/33	52/5( <u>a</u> )(1), 11( <u>a</u> )
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